

THE  
CONSTITUTION  
OF  
Parliaments

IN  
ENGLAND.

Deduced from the time of  
King *Edward* the Second,

Illustrated by King *Charles* the Second  
In His Parliament Summon'd the 18 of  
*February* 166<sup>o</sup>. And Dissolved the 24 of  
*January* 167<sup>h</sup>.

---

Observed by Sr. *John Pettus* of *Suffolk*, Knight.

---

L O N D O N,

Printed for *Thomas Basset*, at the *George*  
in *Fleetstreet*, 1680.



COPIES 1000

11-11-11

END

to emit a low, hoarse

King Edward VI.

... ..

10-2-58

100

100




19Ja29kmw

The Epistle

To the Generous

READER.

AVING the Honor of  
Consanguinity to  
some of the *House*  
of *Lords*, and free  
access to most of  
the Rest who make up the Har-  
mony of that Noble *Judicature*, I  
thought it not convenient (as well  
to prevent exceptions as dissatis-  
factions) to dedicate this to any one  
of their particular Lordships, well  
knowing that to offer any addi-  
tion to their Universal *Intuitions*  
had been needless.

But I devote it in General to  
such whose Youth, or diversions  
(by other Employments) have  
A 2 made

History 29D28 McFarish

# The Epistle

made them unknowing, or less knowing in this Subject, which I have brancht out into 16 parts, whereof 12 consist of *Præcognita* or things fit to be known or done after Summons and before the sitting of any *Parliament*, the 13. 14. and 15. are of matters to be known or done only during the sitting of a *Parliament*, the 16th. hath a relation, and is a Supplement of such matters as could not well be Inserted to the foregoing 15 Parts.

Tis true, this subject of *Parliaments* hath been treated on by many Learned writers, but because none of them have proceeded in such a due *Series* as they might have done (for they were more for the *Modus tenendi*, than *Inchoandi*) I have partly from them, and partly from my own observations (having been a member of the *House of Commons* about

## To the Reade.

bout 12 years, and thereby had intercourse with the *House of Lords*) and partly by the help of some worthy Friends ) digested this Constitution into as clear a Method as my lesser abilities could perform.

First I shew the Gradations and Progresses to a *Parliament*, from the Fountain. *viz.* the Kings Warrant to the *Lord Chancellor* Impowering him to Summon it in Generals by *Writs*.

Next I shew his Lordships Warrant to the Clerks of the *Petribag*, for framing (according to former Precedents) *Writs of Summons in Particulars*.

Thirdly, I shew that these Clerks did Anciently and do still use a Method therein, which Method (being fairly ingrossed on one large *Parchment*) is called a *Parliament Pawn*.

I doe not find that any writers before



## The Epistle

before me have made any mention of these *Pawns* (nor doe I put any weight on them, but in their Method whereby they are compos'd) because I find that the Clerks not conferring with the *Heraulds* have committed many mistakes in Christian and Surnames, in Titles and Orthography.

However the Method therein hath continued for many Ages, as will be shewn, and though I have tried many ways to frame this Treatise, yet none pleased me so well as the Method used in the framing of a *Pawn*, which I have herein pursued.

The Writs which are contain'd and Methodiz'd in all *Pawns* have two Appellations viz. *Exemplars* and *Consimilars*, and from those do arise the Method of this Treatise. But as the *Pawn* doth only recite one Writ of one sort, (as an Example for *Consimilar Writs* of the

## To the Reader.

the same sort to be issued, yet are not therein mentioned; ) So I by that Method do take occasion only to Treat of the *Exemplars* (except in some few places (for to Treat of all the *Consimilars* had been too great a task) by which means I have here only five Writs, which gives me opportunity to treat of the *Blood Royal*, of the *Lords Spiritual*, of the State Officers, of the *Lords Temporal*, and of the most Eminent *Togati* as the Assistants in that noble *House*, the other seven concerning the *House of Commons* I shall treat of in a distinct Part.

And though my design is wholly to treat of what concerns that noble *House* in this part, yet I could not avoid the Intermixtures of some necessary hints of what properly concerns the *House of Commons*, which I intend (*assente Deo*) to publish by it self.

## The Epistle

It was scarce possible that a Subject, which spreads it self into such varieties, should be so collected as not to have Omissions, some of which were purposely done, First, that I might not injure the Reader nor my Method by two long diversions, and yet satisfy him in conclusion. 2<sup>ly</sup>. I have been as careful as I could to prevent mistakes, but some will be, yet those which are necessary to be corrected (*viz.* my own oversights, or the Printers) I have added them to the end of this Epistle, but as for the Printers Omissions of Marginal Authorities, and distinctions of Sections, and observations (which were in my Copy) and for his not putting some words into *Italick* Letters, and for want of *Comma's, Points &c.* the Ingenious Reader, may Easily pardon them.

I have so order'd this Impression,

## To the Reader.

sion, that you have a System or the Contents of an Introduction and of 20 subsequent *Chapters, Sections* and Observations which I thought fit to exhibit, that those who have not the Leisure to read all the *Chapters*, may turn to such parts as most suit with their Genius.

I begin the proper matter of this Treatise with the Kings Warrant in *Feb. 166<sup>o</sup>*, for Summoning that *Parliament*, and I shall End all with His *Proclamation* for its Dissolution in 167<sup>s</sup>.

In these discourses I take the liberty to look back into former Ages, but not forward beyond the Dissolution of that *Parliament*; Only as an *Appendix*, I shall speak of some things that are to be done with *Records*, *Leidger Books* &c. and Allowances to *Knights, Citizens* and *Burgesses* after any one *Parliament* is ended.

Cor-



## Corrigenda.

**P**ag. 20 l. 25 d. are, read, or, P. 79 l. 23 after Seal, read  
 till of Late years, P. 100 l. 17 r. *Hertsford*. P. 124 l. 16.  
 r. forgetting the Title of Knight P. 129 fill up the blank  
 thus.

L. 15 *Ric.* 3 ff 38

α 38

L. 16 *Hen.* 7 10 42

1 29

L. 17 *Hen.* 8 37 45

1 36 dele. 28 44

P. 137 d. son, r. Heir to Blanch the Wife of *John* P. 139 l. 6  
 d. and 6. P. 383 l. 7 read by this.

The Reader may also take notice that after the Contents, there are observations Printed, concerning the Names and Titles of our *Englisb Kings*, especially of the Name *Carolus* or *Charles*, with some Prophetick Interpretations of it, which should have been plac'd next the 14 Page of this Treatise, but being omitted by an Accident he is desir'd to read them after that Page, if he please.

---

---

THE  
CONTENTS  
of this  
TREATIS.

---

The Introduction.



*Hewing the Original of Councils, and the several Names of Councils in other Nations and in this Kingdom, How and when the Name of Parliament began ; Of its Etymology and Definition ; That a Parliament is the Abstract, yet includes the whole Constitution and Fabrick of the Government of this Kingdom; That it Consists of a King and three Estates, and of three assisting Interests to those three Estates.*

*The rest is divided into twenty Chapters with several Sections and Observations in them, as followes.*

Chap.

# The Contents.

## CHAP. I. SECT. I.

*The form of the Kings Warrant for Summoning this Parliament.*

## SECT. II.

*Observations on the Names and Progresses of the Names of our English Kings, more Especially and Prophetically of the Names of Carolus or Charles, as also of variations of the words in the Titles of several Kings of England, fixt in this Warrant.*

## SECT. III.

*Observations and proceedings on this Warrant, shewing the Kings Prerogative in Summoning Parliaments: Of the difference between Warrants, and Writs, in signing and Sealing in Generals, and particulars. The variation of the form of Warrants Advised by the Kings Privy Council: How that Council differs from the Great Council of Parliament, The Warrant is first issued to the Lord Chancellor or Lord Keeper: The Lord Chancellors Warrant to the Clerks of the Pettybag: Of the first Digest of Writs kept there, called the Parliament Pawn: How these Pawns were Anciently us'd.*

CHAP.

# The Contents.

## CHAP. II.

*A Transcript of the Pawn for this Parliament began the Eight of May 1661. Divided into twelve Paragraphs, whereof the five first, concern only the House of Lords, the seven other the House of Commons.*

### *Observations on this Pawn.*

*The reasons of placing figures on the Margent of the Pawn, The Reason of the different Dates of Writs in the Pawn: Why some of the Writs are abbreviated in the Pawn: Of General Writs (viz.) Original, and Judicial, and of Parliamentary Writs, (viz.) Brevia Clausa & Patentia, Exemplars, and Consimilars: The difference of the Lords Writs and Commons Writs: The agreement of Writs in the Pawn. Derivative Writs (not in the Pawn) are Equivalent to those in the Pawn: Of Exemplar and Consimilar Writs (viz.) both in the Lords and Commons Houses. The method propos'd for treating of these Writs.*

## CHAP. III.

*Of the Act of Precedencies divided into observations: That the Act of Precedency is concern'd in the Lords House only: The nature of the Act: The Title of the High Court*



# The Contents.

*Court of Parliament used in that Act: The Siting and calling over the Lords different from the method in the Act, Why some Titles are named in the 4th. Paragraph of the Act omitted in the 8th. Of the Woolfacks in the Lords House Of the four degrees of State Officers which are placed by this Act. How the Pawn, and Acts do disagree therein: Of such as sit in the Lords House, yet not mentioned in the Act, but in the Pawn, Of former Proceedings in the House of Lords omitted in this Act.*

## CHAP. IV.

*Of the Degrees concern'd in the Act of Precedency.*

### SECT. I.

*Of the Kings Privy Councillors.*

*Of the word Council apply'd to individual Persons and to an Assembly, Of the Kings Privy Council, Of several other of the Kings Councils, Of the Kings Great Council or Parliament, Of the Number and Quality of the Persons constituting the Privy Council, Of the Antiquity of Councils, Of the Nature and condition of Councillors in our Councils, Elected for merit, Of lesser*

# The Contents

*lesser Councils and Parliaments in this Kingdom, Of the Privy Council and Parliament how sometimes mixt.*

## SECT. II.

**Of the Princes of the Blood.**

*Of the seven degrees of the Blood Royal, whose places are appointed by the Act of Precedency, That any of the seven are Prior to all other degrees of Nobility, That in their absence the Arch-Bishop hath precedence.*

## SECT. III.

**Of the Kings Vicegerent.**

*Declaring the Kings Supremacy in the Church of England, The great power granted to the Vicegerent, in Church affairs, None made since the 31 of H. the 8th. but supply'd by Bishops.*

## SECT. IV.

**Of Bishops.**

*The Antiquity, of Bishops, The meaning of the Word, Of their Jurisdictions, Of the*

# The Contents.

*the Convocation Houses where they sit, as Bishops, and in Parliament upon a Baronial account, How plac'd, Call'd Lords Spiritual, Anciently they did manage the Chief Offices of the Kingdom, Of their Priviledge in the Lords House.*

## SECT. V.

*Of the Lord Chancellor or Lord Keeper, Referred to Chap. the 8th.*

## SECT. VI.

*Of the Lord Treasurer Referred to Chap. the 9th.*

## SECT. VII.

*Of the Lord President of the Kings Council.*

*Of it's Antiquity, Discontinuance, and Supply, Of other Lords Presidents.*

## SECT. VIII.

*Of the Lord Privy Seal*

*It's Antiquity and several Titles, How granted, Considered as Master of Requests, Of his Seals, and other Seals, Of his Clerks*

# The Contents.

*Clerks concern'd in the Summons of Parliaments, Of his Antiquity in Sitting in the Lords House, Formerly supply'd by Ecclesiasticks, now by Temporal Lords, These three last mention'd Great Officers are thus Plac'd whether they be Nobles or not.*

## S E C T. IX.

### Of the Lord Great Chamberlain.

*Rais'd by Merit, Had lands given to hold in Grand Sergiantry consisting of great, Immunities, The Antiquity of the Title Confer'd on some Noble Person whereby he sat in Parliament, Made Hereditary his Employments in Accommodations for Parliaments.*

## S E C T. X.

### Of the High Constable.

*His Antiquity since the 12 of Hen. 8. granted but pro hac vice at Coronations &c. Their Power formidable to former Kings, Devolv'd into Lord Marshal, Of other Constables of lesser Qualities but still of great use, Of such of the Higher sort as were formerly Summoned to Parliaments.*



# The Contents.

## S E C T. XI.

### Of the Earl Marshal.

*Of his Power and Jurisdiction, Of the Original of the Title, Of the Courts and Offices under him, especially the Court of Chivalry, and Heralds, A description of them, Of their Employments relating to Parliaments, Of the Earl Marshals Summons to Parliaments, and how it became Hereditary.*

## S E C T. XII.

### Of the Lord Admiral of England.

*How the Title sprung, Of his Power and Jurisdiction, guided by the Civil Laws (not repugnant to the Common) Always plac'd in the hands of some of the Chief of the Nobility, Had antiently their Sumons to Parliaments, and so continue.*

## S E C T. XIII.

### Of the Lord Steward.

*Of the Orthography of the Name and Antiquity of the Office, Of several Offices under*

# The Contents.

*under that Title, and particularly of the Title of this Office, and of his Antient and Present Summons to Parliaments, and of his Uses there.*

## SECT. XIV.

Of the Lord Chamberlain of the Kings House.

*Of his Authority and usefulness before in Parliaments, Of Antient Presidents of Summoning him to Parliaments.*

## SECT. XV.

Of the Principal Secretary of State.

*When the Act of Precedency was made he was the 12th. Officer of State (a Number of Esteeme) the difference of his Writ, when his Summons are single, without annexing some Noble Degree to it.*

## CHAP. V. SECT. I.

Of the Decrees of Nobles.

*From whence the word Nobility is derived, Divided into Majores and Minores, The Majores into 5 degrees, the Minores*

# The Contents.

*into three, the Majores makes the Lords House, the Minores the Commons House.*

## S E C T. II.

### Of Dukes.

*Duke from the Latin word Duco & Dux, Antiently Earls were Prior to Dukes in England, How Dukes got the Priority : Of the severall Titles attributed to Dukes ; Duke and Earl promiscuously us'd, And of the name Grace apply'd to Dukes in England : Dukes were in England before they were formally Created ; The time when Created, Of two sorts of Dukes how distinguisht, (A Duke as Generall) is not provided for in the Act of Precedency as other degrees of officiall honors are.*

## S E C T. III.

### Of Marqueesses.

*When begun in the Empire, and in France, When in England : the reason of placing him between Duke and Earl : From whence the Title is suppos'd to come, Noble Actions caus'd Noble Titles, and by some Hereditary.*

SECT.

# The Contents.

## SECT. IV.

### Of Earls.

*Of the word Comes or Count signifying Earl, 6. sorts of Counts (according to Selden) 22. sorts (according to Cassiadore) 3. sorts in England, Of the incongruity of the words Comes and Earl; and from whence the word Earl is derived, when first given in England Titutarily, and upon what occasion; when by Creation, Of the Tachygraphy of the word Earl, Of the Antient Titular and Created Earls little difference, Of Local and Personal Earls here in England.*

## SECT. V.

### Of Viscounts.

*Sometimes considered as Equal, sometimes of a lesier degree then an Earl, Two sorts in England, why the Hereditary Viscount interpos'd to Earl and Baron, Of the first Created Viscount in England, of the Parliamentary dignity of the one, and Official Dignity of the other.*



# The Contents.

## SECT. VI.

### Of a Baron.

*Of the word Baron, the Baronial Tenures were the foundation of the Superior Tenures and Degrees, Of Contributions to the King from Barons Spiritual: Barons how Exempted from Contributions, Of several other sorts of Barons, The advantages of Created Barons.*

## CHAP. VI.

### Of the Writ to Princes of the Blood Royal.

*Of the Writ to Edward Earl of Chester Eldest Son to King Edward the 2d. Anno 15. Ed. 2. And the Writ to James Duke of York 13. Car. 2. Compar'd, Observations on both Writs, A Recital or Numeration of the Exemplars of Earls, Princes, and Dukes of the Blood from Edward the 2d. to this Parliament 1661. Observations on the Title of York, the Consimular to the Duke of York, Observations on the Consimulars.*

CHAP.

# The Contents.

## CHAP. VII.

Of the Writ to the Arch-Bishop and Bishops with Observations.

*Reasons for incerting this Exemplar in this Place, shewing that the Idolatrous Jews brought in Paganism into Britain, manag'd by Druids and Bards, after by Arch-Flamins, and Flamins (which were Pagan Priests) Afterwards Christ Himself or his Apostles, or Disciples, or some of them brought in Christianity into Britain: Bishops had Eleven several Titles (according to several Regions) given to the first managers of Christian Religion: All included in the Word Bishop as Inspector or Father: Of the Antiquity of the word Bishop, Aristobulus the first Bishop of Britain, who were his Successors, Of King Lucius his message to Pope Eleutherius and the Popes answer about the first ordering of Christian affairs in Britain: Of Linus the first Bishop of Rome and his Successors till the time of Lucius and Eleutherius (all subsequent to Aristobulus) The Amity between the Bishop of Britain, and the Bishop of Rome, (in that time without any discord about Supremacy) Afterwards the Bishop of Rome assum'd the Title of Pope, and also a*

## The Contents.

*Supremacy to Britain, and planted their Dependents there; some small Endeavours to oppose it, but Fruitless: Of several Laws made to lessen the Power and Revenue of the Pope in Britain; (from the 9th. of Hen. the 3. to the 5th. of Hen. the 5th.) Of other wayes us'd by Hen. the 8th. from the 9th. of his Raigh, till his death in support of his Supremacy, What Countermine were us'd by the Pope, Historical passages from Hen. the 8th. Death to the dissolution of this Parliament Anno 1678. against and for the Papal Interest, Of the the Titles of Defensor Fidei & Supremum Caput, how Us'd, disus'd and alter'd from the 12. of Hen. the 8th. to the 13. Car. 2d. Of Writs to Bishops before and in Edward the 2ds. time (having both the same and a greater Extention of Power, than what is given in the Writs to the Lords Temporal) and so to the 31. and 36. of Hen. the 8th. and the 13. of Car. the 2d. how they continued, and alter'd some Observations on the old Writs, Of the first Writ in the first Pawn of the 21. Pawns now remaining in the Pettibag, Observations on that Pawn: Of the 2d. Pawn there, Of the 3d. Pawn there, Of the Pawn of this Parliament begun the 8th. of May 1661. wherein Bishops were Omitted (though entred in all former Pawns) and the reasons of that Omission, Of their Writ of Restitution in the same*

# The Contents.

*same year Aug. 1661. and where Recorded,  
Of their Consimular Writs, Fifteen Obser-  
vations on their Writs and Temporal Em-  
ployments.*

## CHAP. VIII.

*Of the Writ to the Lord Chancellor.*

*Of the Original of the Office of Lord Chan-  
cellor, or Lord Keeper and of the Discrip-  
tion of them, Antiently distinct but now  
United: Of their different Seals, Of their  
eminent Employments, Seates, and Stations in  
the Lords House: Of his single Writ of  
Summons as Assistant and of his other Writ  
(if otherwise dignified) The Office antiently  
dispos'd of to Ecclesiasticks and of later  
years wholly to Laicks, Of some difference be-  
tween the Warrant and Writ to Sr. Edw.  
Hide, The form of the Writ, Observations  
on this Writ and the nature of the Office.*

## CHAP. IX.

*Of the Writ to the Earl of Southampton,  
Lord Treasurer of England and to the No-  
bles not of the Blood.*

*Of the form of the Writ to the Lords  
Temporal, Observations upon it, that the  
De-*



# The Contents.

*Degrees of Nobles (viz.) Dukes, Marquesses, Earls, Viscounts, and Barons) and Titles of the Officers of State are still intermixt in the Writs with some of those five Degrees, Which of these Degrees are usually made Exemplars, Of the Antiquity of the method us'd herein, Of their Consimilars, Observations concerning the various applications of the Titles, Chevaleer, Dominus, Miles, Eques Auratus, & Banne-  
rettus.*

## C H A P. X.

*Of Patents, of Creation enabling the Lords Patentees to sit in Parliament.*

*The difference between Writs and Patents and advantages of Patents, what the word signifies, Patents of 3. sorts viz. of Confirming, Reviving and Creating, (that is, given where none was before,) The form of those 3. sort of Patents, Their elegant preambles, The Patents consisting of 4. parts, Of the distinct form of the Patents to Dukes, Marquesses, Earls, Viscounts, and Barons, impowring them to sit in Parliaments, Of the Consies of Antient Patents, Of Creation money, Of the difference in the former and late value of moneys.*

CHAP.

# The Contents.

## CHAP. XI.

### Of Lords and Peers.

*Of the words Dominus & Pares, or Lords and Peers, what the words signifie, When Peers us'd in France, and of their number there: when in England and of their number there, Of the words Prælates, Magnates & Proceres how to be appy'd, Who properly called Peers, how placed in the Lords House, the words Generally applyed and promiscuously us'd, the number, increase or decrease according to the pleasure of the King, a Corrollary on the Subject.*

## CHAP. XII.

### Of Proxies in the Lords House.

*Of the word Procurator, Proxie & Proctor considered as distinct appellation, Proxie only proper in the Lords House, Licenced by the King, and to whom, and sometimes denied, A Proxies double vote, when Proxie made, sometimes before, and sometimes in time of Parliament, and how many allow'd, the Antient way to be Licenced upon any petition to the King, Of the Licence where to be entred, Of Tacit Licences,*  
Of

# The Contents.

*Of the form of Licences at this day for a Lord Spiritual, as also for a Lord Temporal, how to be return'd, Of the Titles which intitle Proxors and Proxes to be such, The difference of Proxe Writs, before the sitting of a Parliament and after Prorogations, How long they continue, Of their places in the Lords House.*

## C H A P. XIII.

### *Of Assistants in the Lords House.*

*The Assistants are generally professors of the Laws the vertues arising from that Profession, it is the path to wisdom : How call'd Laws: The antient way of distributing them ; The benefit of good Laws in any State, The Revenues, Honors, Profits, Places, and other Rewards given to the Professors of them : Intituled Justices and Judges &c. Divided into 3 Orbs or degrees ; The severall sorts of Laws in which they are to be conversant, of the Titles of the chief professors, 1st. Of the Chief Justice of the Kings Bench with general observations on his Writ of Summons to Parliaments, Of his Patent and Jurisdiction. 2ly. Of the Master of the Rolls with observations on his Patent and Writ and Office : Of the chief Justice of the Common Pleas with observations*

# The Contents.

*tions on his Patent, Writ, and Jurisdiction, 4ly. Of the Lord chief Baron with observations on his Patent, Writ, Jurisdiction, 5ly. Of the 3 other Justices of the Kings Bench, 6ly. Of the 3 other Justices of the Common Pleas 7ly. Of the 3 other Barons of the Exchequer with observations on their Writs, Patents, and Jurisdictions, 8ly. Of the Kings Sergent at Law with observations on their Writs, Patents, and Employments, 9ly. Of the Kings Attorney General of his Writ, Patent, and Employment, 10ly. Of the Kings Solicitor General, of his Writ Patent, and Employment, 11ly. Of the Kings Principal Secretaries of State, of their Writ, Signet, Precedencies Employments, and Influence.*

## C H A P. XIV.

### Of Accidental Writs of Summons.

*Of Antient Writs to Justices of North-Wales, Treasurers of Wales, Arch-Deacons Eschetors &c. and of late to several Officers of the Kings Court : and to the Lord Chief Justice to supply the Lord Chancellors, or Lord Keepers place in case of sickness &c.*

CHAP.



# The Contents.

## CHAP. XV.

### Of Returns of Writs.

*Of the manner of returning all the fore-mentioned Writs, different from the return of Writs concerning the House of Commons.*

## CHAP. XVI.

### Of Masters of Chancery.

*That they sit in the Lords House without Writ or Summons ; How they were Employ'd antiently, and how in latter times : of the word Magister, and how apply'd.*

## CHAP. XVII.

### Of the Clerks of the Lords House.

*Some by Patent sit there , but none by Writ, others neither by Patent or Writ, but ex Officio ; Of the several sorts of Clerks Employ'd in the House of Lords and in Trials of Peers &c.*

CHAP.

# The Contents

## CHAP. XVIII.

Of the Gentleman Usher of the Black-Rod.

*When and how Instituted, and how Im-  
ploy'd:*

## CHAP. XIX.

Of the Kings Sergeant at Arms.

*Of their Antiquity, how different from Ser-  
geant at Law, or other Sergeants of their  
Number and nature of their Employments  
both in time of Parliament and out of it.*

## CHAP. XX.

A Corollary to this first part of the Con-  
stitution of *Parliaments*.

*Shewing what is intended to be spoken of  
in the following parts of this Treatize.*

*Observations*

Observations on the Names  
and Titles of our English  
Kings.

**T**He Learned Mr. *Selden* having bestowed an Excellent Addition to Libraries, by his book of the Titles of Honour, and Sr. *Edward Cook* thinking it a necessary part of his Institutes, for a Student to be well vers'd in the several Titles of our Kings, and knowing that the substance flowing from those Titles are the chief Subjects which are handled in *Parliaments*, I think fit to give a light touch (by way of Preface) to the several words of the Title in the Kings *Warrant*, as also in the Title of his Latin *Writs*, which are mentioned so often in the following discourses. viz.

*Charles* the Second by the Grace of God, King of *England*, *Scotland*, *France*, and *Ireland*, Defender of the Faith, &c.

*Carolus Secundus Dei Gratia Rex Angliæ, Scotiæ, Franciæ, & Hiberniæ, Defensor Fidei, &c.*

First, It may be observed that all our Kings before, and since the coming in of the *Normans*, have been Usher'd into that  
Regal

## Of the Names and Titles

Regal Dignity by their *Christian* Names, whereof from that time we have Ten several Appellations. viz.

One *Stephen*, 1 *John*, 1 *Mary*, 1 *Elizabeth*, 1 *James*. 2 *Williams*, 3 *Richards*, 6 *Edwards*, 8 *Henrys*, 2 *Charles*, but of all these Ten Names *Charles* must have the Honour of Priority given to it.

To prove this, I shall trace their Progresses through *Empires*, *Kingdoms*, *Principalities*, and *States*, under Secular Governours, (not meddling with Ecclesiastical) and first of the Name *Carolus*, or *Charles*, Concerning which, I shall not goe so far back as *Charellus* Prince of *Lacedemon*, but since *Christianity* was first, I find that the Name *Charles* or *Carolus* (for they are agreed to be the same) had its first splendor from *Charles* Surnam'd *Martill* (a *French* King) in *Anno* 714. (who was the first that had the Title of Most *Christian* King and from whom came *Caroloman* and *Charlemain* in *Anno* 778) and after viz. in *Anno* 800 the Name of *Charles* went into the *Empire*, and in *Anno* 1119 into *Flanders*, In *Anno* 1150 into *Swethland*, In *Anno* 1263 into *Naples* and *Sicily*, In *Anno* 1310 into *Hungary*, In *Anno* 1346 into *Bohemia*, In *Anno* 1601 into *Scotland*, (King *Charles* the first being there Born,) And in *Anno* 1625 into *England*,  
(the

*Charles*  
I.



## of Englands Kings.

(the same *Charles* being then King) so as our Present King *Charles* the 2<sup>d</sup> Immediate Heir to *Charles* the 1<sup>st</sup>. is the Second King of that Name in *England*, and *Scotland*, and that Name of *Charles* is the first of any of the aforesaid Ten Names. affixt to any *Diadem* in *Europe*.

Edward  
II.

*Edwardus* or *Edward*, began but in the time of *Edward* the Elder, who was the 24<sup>th</sup>. King of the *Saxon* Race and 25<sup>th</sup>. Monarch of *England*, And he in *Anno* 901 gave the first reputation to it, In *Anno* 1332 it went into *Scotland*, And in *Anno* 1334 Carried into *France* by our *Edward* the third (who laid Claim to that Crown) And in *Anno* 1433 it went into *Portugal*, continuing still in *England* (with some interpositions of other Names) till Queen *Mary* came to the Crown in *Anno* 1553.

Henry  
III.

*Henricus* or *Henry* began in the Empire of the *East*, *Anno* 919, and in *Anno* 1101 came into *England*, from thence *Anno* 1192 it went into *Bohemia*, thence *Anno* 1206 to the *Emperour* then at *Constantinople* in *Greece*, In *Anno* 1214 to the Kingdoms of *Leo*, and *Castile*, In *Anno* 1271 to the Kingdom of *Navarr*, In *Anno* 1422 carried into *France* by our *Henry* the 6<sup>th</sup>. (who was then Crown'd in *Paris* King of *France*) And in *Anno* 1573 it went into *Poland*, so as this Regal Name of *Henry* con-

## Of the Names and Titles

continued in *England* from *Anno 1100* (with some interpositions) till *Edward the 6th. Anno 1546.*

*Stephanus* or *Stephen* the 1<sup>st</sup>. that made his Name famous was *Stephen* a Martyr for *Christianity*, but it was not annex to any Regal Title, till *Anno 997* in *Hungary*, and thence in *Anno 1135* it came into *England*, (yet never fixt there, but on one King) And in *Anno 1576* it went into *Poland*.

*Stephen*  
IV.

*Guilielmus* or *William* began first as a Regal Title in *Sicily* and *Naples*, *Anno 1023* and thence, and in *Anno 1066* it came into *England*, where it never fixt but on two Kings.

*William*  
V.

*Johannes* or *John*, the first who made this Name famous was *John* the Baptist and *John* the Evangelist, but it was not a Regal Title till *Anno 1118* and then the Emperour of the East assum'd it, And in *Anno 1199* it came into *England*, (determining in one King) from thence in *Anno 1222* it went to the Emperour at *Adrianople*, And thence in *Anno 1303* into *Scotland*, In *Anno 1310* into *Bohemia*, In *Anno 1350* into *France*, In *Anno 1379* Into *Leon* and *Castile*, In *Anno 1383* into *Aragon*, In *Anno 1387* into *Portugal*, In *Anno 1405* into *Flanders*, In *Anno 1418* to *Navarr*, In *Anno 1478* to *Denmark*, and

*John*  
VI.

## of Englands Kings.

way, In *Anno* 1492 to *Poland*, And in *Anno* 1597 to *Hungary*.

Note, that there were 23 *Popes* of this Name *John*, and 10 *Stephens*, but I here speak only of the Regal Names of Secular, not Ecclesiastick Princes, and it may be observed, that none of the *Popes* have taken on them any of our 10 Regal Names Except *John* and *Stephen*.

*Richard VII.* *Richardus* or *Richard*, was not a Regal Title till *Anno* 1189 and then it came first into *England*, and continued (with some interpositions) till *Anno* 1485 when *Hen. the 7th.* came to the Crown, nor was the Name of *Richard* either before or after those years, fixt to any Regal Title in *Europe*, unless *Ricarodos* in *Spanish* do signifie *Richard* in *English*.

*James VIII.* *Jacobus* or *James*, (not medling with *Jacob* the father of the Twelve *Patriarchs*, or *James* the Apostle but upon a Regal account it was not fixt to any King till *Anno* 1213, then it began with the King of *Aragon*, Thence in *Anno* 1286 into *Sicily*, and *Naples*, In *Anno* 1423 to *Scotland*, In *Anno* 1603 to *England*, given a Title to that happy Union of *England*, and *Scotland* by King *James*.

*Mary IX.* *Maria* or *Mary*, had the suprem Honour to be Mother of our Saviour but it was not annext to any other Regal Title, till

## Of the Names and Titles

till Anno 1310 in *Hungary*, and from thence Anno 1476 to *Flanders*, Then in Anno 1542 to *Scotland*, And in Anno 1553 to *England*.

*Elizabetha* or *Elizabeth*, had the Honour to be Mother to *John the Baptist*, but was not annext to any Regall Title till Anno 1438 in *Hungary* and from thence Anno 1538 it came into *England*.

*Elizabeth*  
X.

Thus having trac'd the Perambulation of their Ten Names through most parts of *Europe* I shall pass to the next Epithet in the Kings Title, viz.

*Secundus* or Second, and see when a Numeral Appellation was first made Titular to our Kings, and here it may be observed that our Kings had Anciently Adjuncts to their *Christian* Names; to distinguish them from others of the same Name, as *Edward* the Elder, *Edward* the Confessor, in the *Saxons* time, and in the *Normans*, *William* the Conquerour, and *William Rufus* and after him (other Titles signifying their tempers) but not Numeral, till *Henry* (who was the 8th. of that Regal Name in *England*) and he in the 10th. year of his Reign did first begin to write himself Numerally *Henricus Octavus*: And after him *Edward* his Son did write himself *Edwardus Sextus*, and ever since in our *Histories* and *Records*, where there

*Secund*  
II.



## of England's Kings.

hath been since *William* the first, two or more Kings of the same *Christian* Names; the Numeral Appellation is added, and there upon our present King Stiles himself in all *Writs* and *Warrants*, as well *Parliamentary* as otherwise, *Carolus Secundus* or *Charles* the Second.

Grace of God. III. *Gratia Dei* by the Grace of God; Neither the Letters *D. G.* (denoting *Dei Gratia*) nor the words *Dei Gratia* (or the Grace of God) were used as Adjuncts to our Kings Titles, till *William Rufus* his time and after that, there were some intermixtures (as *Sr. Edward Coke* saith) but according to *Mr. Speeds Medals* and some others; the Letters *D. G.* and the words *Dei Gratia* were first us'd by *Edward* the Confessor, and constantly after *William Rufus* by every succeeding King without omission; King or Cuning according to the *British* or *Saxon* Dialect (signifying the same with *Rex*) and is not us'd in any *Parliamentary* *Writs*, nor in any Circumscription of our Coins, but *Rex* (being a word as Ancient as the Latine Tongue is us'd in all our *Writs*, as well *Parliamentary* as *Judicial*) and may be traced in our *Coines* from the begining of our *Saxon* Kings to the *Danes* with addition only of the *Christian* Name and then also *Canutus* the first of the *Danes* here, Stild himself only

King IV.

## Of the Names and Titles

only *Canutus Rex*; and others who succeeded him, and *Edward the Confessor* (the fourth *Danish King*) and 37 Monarchs of *England* sometimes wrot *Edwardus Rex*, sometimes *Edwardus Anglorum Rex*, and sometimes *Edwardus Anglorum Basilicus* (according to the Greek word for King) so as the word *Rex* did goe along from the *Britains* to the *Romans*, *Saxons*, and *Danes*: Herald the last of that Race, and those before him writing only *Rex* with their Names, and so when the *Normans* Entred. *William* the first Stiled himself only *Willielmus Rex*, and so did the succeeding Kings seldom using the word *Basilicus* till King *James* time.

As to the Etymologies and Originalls of these and other words in this Title I shall leave them to my Annotations, but sometime our Kings wrote *Rex Angliæ*, and some times *Rex Anglorum* (ever from *Edw.* the Confessors time) Now what *Anglia* or *England* contains, every Geographer tels us that it is surrounded by the sea Except towards *Scotland*, and as to the diversity of Names several Chronologers tell us that it was Anciently call'd *Albion* by the *Greeks*; *Iniswen* by the *Welsh Poets*, *Insula Cærule* & *Insula Florum* by other Poets, and *Britannia* by the *Greeks* and *Romans*, *Romania* & *Valentia* only by the *Romans*

England  
V.

## 20 of Englands Kings.

*Angleand*, *England* and *Britain* by the *Saxons*, but when the *Saxon Heptarchy* was United under King *Egbert*, he by his Edict *Anno 819* ordain'd it more solemnly to be call'd *Britain* (containing *England*, *Scotland*, and *Wales*, yet notwithstanding this Edict, it was sometimes call'd *Albion*, sometimes *Britain*, and sometimes *England*, and these various Appellations were us'd (as appears by *History*) under Ten successive Kings after that Edict, and then King *Canutus* the 10th. King from *Egbert*, and the first of the *Danish* Race, fixt the Name of *England* & that Name hath continued ever since, according to the *English* dialect; and *Anglia* according to the *Latine* (considered as disjoyned from *Scotland*, and *Wales*) but upon reduction of *Wales* by *Henry* the 8th. and by the happy Union with *Scotland* by King *James*: the Kings Title hath been more general, viz. *Rex Magnæ Britanniae*, comprehending *England*, *Scotland*, and *Wales*, but not to be so understood in our *Parliamentary Writs* for they are applicable only to *England* and *Wales*, and not to *Scotland* though *Scotland* be mentioned in the *Writs*, and it may be observed that this distinction of *England* and *Scotland* were united under the Name of *Britain* by King *Egbert Anno 819* but after that they were again



## Of the Names and Titles

again disjoynted, and though both did continue so disjoynted neere 800 years yet now the Ancient Name of *Britain* is restor'd (being bound by one Ocean and Govern'd by one King as it was 800 years before) and though it is now thus intire, yet *England* hath a distinct *Parliament* for its *Laws*, and *Scotland* a distinct *Parliament* for its *Laws*, and both distinctly consisting of 3 Estates under one King, so as in all *Writs* for Summoning an *English Parliament*, though *Scotland* be mentioned yet the operation of the *Writs* can only be applied to *England*.

The addition of *Scotland* in the Title of our *Parliament Writs*, did begin with King *James* who happily united both Kingdoms as I said under one King, and so wrot himself *Rex Angliæ Scotiæ &c.* But they never send any Representative to our *Parliaments* nor we to theirs yet the King of *Scots* before the union had a Chair allotted for him in the House of Lords but never sat there yet he was sometimes Summon'd as Earl of *Huntington* and so by vertue of that *English* Title might have sat there but not by his Regal Title untill the said union.

Although we had several inlets to *France* by *Normandy*, *Anjou Poictors Tour-ny Mayne &c.* yet the addition of King of *France* to the Title of *English* Kings was not

*Scotland*  
VI.

*France*  
VII.



# of Englands Kings. 10

not till *Edward* the 3<sup>ds</sup>. time, who had a Just Title to it, and there upon did Quarter the Armies of *France*, But *Hen.* the 6<sup>th</sup>. was actually Crown'd King of *France* in *Paris*, and from these two, the Title and right hath continued ever since (though dispossess'd) and as I shall shew in the second Part of this Treatise that *Callis* did send Burgesses to our *English Parliaments*, for many years till it was Lost by *Qu. Mary*.

Ireland  
VIII.

The Title of *Rex Hiberniæ* was as Ancient as our King *Hen.* the 2<sup>d</sup>. who created his Son *John* the King thereof, yet for what reason of State (otherwise then what I shall mention) in the 7<sup>th</sup>. Chapter) that Title of the King of *Ireland* was never annex to the regal Title of the Kings of *England* till the 3<sup>3</sup><sup>d</sup>. of *Hen.* the 8<sup>th</sup>. and then to his other Titles he added *Rex Hiberniæ*, before it was only *Dominus*, and their *Parliaments*, are fram'd like our *English Parliaments*, yet Subject to the Kings pleasure in confirming of their *Laws* here in *England*, See more of this in Chap. 7<sup>th</sup>.

Defender  
IX.

As to this part of the Kings Title viz. Defender of the Faith, I shall speak more fully of it in the 7<sup>th</sup>. Chapter, Or Sc. id est other Titles which were formerly, and may still be added as you may Read also in the 7<sup>th</sup>. Chapter, Section the 11 and 12.

Ch.  
X.

Thus having past through the General words

# Of the Names and Titles

words of the Kings Titles in his *Warrants* and *Writs*: now in observance to *Sr. Edward Coke*, I shall make a Summary of the particular Titles of our several Kings, from *William* the first Inclusive to this time, shewing what words were added or withdrawn.

When the *Normans* entred, *William* the first stil'd himself sometimes *Willielmus Rex*, and sometimes *Rex Angliæ & Anglorum*, (as other former Kings) Omitting *Dei Gratia* (as the *Institutor* saith though I am not satisfied therein) and not adding *Primus*.

*William*  
I.

*William* surnamed *Rufus* had the same Title, yet sometimes adding *Dei Gratia*, not adding *Secundus*.

*William*  
II.

*Henry* stil'd himself *Rex Anglorum*, and sometimes *Dei Gratia Rex*, not adding *Primus*.

*Henry*  
I.

*Stephen* did the like.

*Stephen*  
I.

*Henry* did the like but Omitted *Dei Gratia* (as *Sr. Edward Coke* saith) but in the *Coins* which *Mr. Speed* Exhibits to us his stile was *Dei Gratia Rex Angliæ Dux Normaniæ & Aquitaniæ & Comes Andegavia*, not adding *Secundus*.

*Henry*  
II.

*Richard* not adding *primus* us'd the same sometimes Changing the Declension, and the singular Number into the plural, viz. *Dei Gratia, Rex Anglorum, Dux Normano-*  
*rum*

*Richard*  
I.

# of Englands Kings.

*rum & Aquitaniarum & Comes Andegavi-  
arum.*

**John** John us'd the same with Addition of *Dominus Hiberniæ.*

**Henry III.** Henry stil'd himself like his Father King John, till the 44 of his Reign, and then he left out *Normaniæ & Andegaviæ*, and writ only *Dei Gratia, Rex Angliæ, & Dominus Hiberniæ, & Dux Aquitanie*, not adding *tertius.*

**I. Edward** Edward the 1<sup>st.</sup> and Edward the 2<sup>d.</sup> stil'd themselves like Henry the 3<sup>d.</sup>

**II. Edward** Edward us'd also the same stile till the 13 of his Reign and then having, and Challenging a Just Title to all France he left out the parts of it (before mention'd) and stil'd himself *Dei Gratia Rex Angliæ, Franciæ, & Dominus Hiberniæ*, not adding *Ter-  
Richard tius.*

**II. Henry** Richard and Henry, not adding *Secun-  
IV. dus* or *Quartus* stil'd themselves like Edward the 3<sup>d.</sup> from the 13 of his Reign.

**Henry V.** Henry not adding *Quintus* us'd the same stile till the 8<sup>th.</sup> of his Reign, and then writ himself *Dei Gratia Hæres & re-  
gens Franciæ & Dominus Hiberniæ.*

**Henry VI.** Henry not adding *Sextus* being Crown'd King of France in Paris wrote *Dei Gratia Rex Angliæ, Franciæ, & Dominus Hiber-  
IV. niæ.*

**Richard III.** Edward, Richard and Henry not adding  
**Henry VII.** *Quartus,*

## Of the Names and Titles

*Quartus Tertius vel Septimus, stile themselves Dei Gratia Rex Angliæ Franciæ & Dominus Hiberniæ.*

Henry writ also the same till the 10th. of his Reign as I said and then, and not before, he added a Numeral word to his Title and so made it, *Henricus Octavus Dei Gratia Rex Angliæ Franciæ & Dominus Hiberniæ*; Now as to the Additional Titles to Henry the 8th. after his 10 years they Consisted of so many varieties that I shall refer them to the 7th. Chapter of this Treatise Section the 11) As also the Titles of Ed. the 6th. Q. Mary, Q. Elizabeth, K. James, and K. Charles the first.

Henry  
VIII.

In which Chapter and Section I conclude with the Title of our present King Charles the 2d. viz. *Carolus Secundus Dei Gratia, Rex Angliæ, Scotiæ, Franciæ, & Hiberniæ, Fidei Defensor. viz.* as in the *Warrant*.

And so having shown how the ten Names of our Kings from the Normans have been dignified by Kings, Emperours &c. Especially the Name of Charles by its Priority which is the more remarkable, because that by Transposition only of its Letters it doth Anagrammatise and render it

O C L A R U S }  
C A R O L U S } Anagram.

This Anagram may be applyd generally  
to



## Of the Names and Titles

to all of that Royal Name, and it may be one reason why so many Kings in *Europe* do at this day own that Name, and possibly another reason of assuming it, may be to amuse the World about *Grebners* Prophecy, viz. that *Carolus E stirpe Caroli, Erit Carolo Magno Major*, but none can pretend to a greater interest in that Prophecy, then our present King *Charles* the 2<sup>d</sup>. being so punctually and Signally *ex stirpe Caroli*.

How ever I am sure nothing can be more particularly Prognostical and Applicable to any Regal *Charles* (then this following Anagram) to him being made when he was born Prince of *Wales*, which I have ever since kept safe by me.

CHARLES PRINCE OF WALES.

Anagram.

AL FRAVNCE CRIES O HELP VS.

As to the uses which shall be made on these regal Names, their Progresses and Anagrams (being not the proper Subject of this place) I shall refer them to my Annotations and proceed to Observations on the *Warrant* of another Nature.

THE


I

T H E  
INTRODUCTION

Shewing how a

Parliament

C O N S I S T S,

 When Families increast *Section*  
into Villages, Towns, I.  
Cities, large Countreys,  
Kingdoms, and Em-  
pires, under one Fa-  
ther or Conductor, (for  
all other Governments are collateral to  
*Paternal and Monarchical*) there was a  
necessity to Constitute a *Supream Council*  
of the chiefest and wifest men selected  
from the multitude, as might keep such  
extended Dominions in a perfect Unity  
and Obedience to their Original *Father*  
or *Monarch*.

The end of this *Constitution* was  
both for Conservation of the *Original*  
*Family* or *Potentate*, who did thus Con-  
stitute them, or for his own ease in ma-  
naging the common interest of *Safety*  
and *Plenty*. B That

II. That their proceedings in their *Councils* might have the more solemn Effects and *Veneration*, several Nations in imitation have since given distinct names to their *Supream Council* erected, as distinctions to those which were more *Subordinate*.

Thus the *Jews* (from whom we derive our most credible *Memoires* of Antiquity) had their *Supream Council* called the *Sanhedrim*, consisting of secular Persons, viz. One *Prince*, (as their chief Head) besides Seventy others of mixt natures, they had also another great *Council* altogether *Ecclesiastical*, called a *Synagogue*, and other lesser, in the nature of our *Convocations*, and sometimes all did meet at the great *Sanhedrim*, (which was only kept in *Jerusalem*) and this was the *Supream Council*, as may be seen in the 26th. ch. of *Jeremiah*, v. 8. who was condemned by the *Ecclesiastical Consistory* of *Priests*, and absolved by the *Temporal* or great *Sanhedrim* of *Princes*, or chief *Council*, as may be more fully seen in that Chapter and in the *Jew's* Antiquities.

And to pass the *Ariopagus* among the *Athenians*, we read that the *Old Romans* also had their *Great Council* called  
a *Se-*

## The Introduction.

3

a Senate, consisting of 300. Laicks chosen out of the *Nobiles Majores & Minores*, and their *Consistoriani*, where their Senate did sit: and their *Comites* and *Consistoriani* (as Members thereof) did somewhat resemble the Constitution of a Parliament: they had also a *Pontifical Colledge* consisting of *Ecclesiasticks*; but the name of Senate at Rome, hath been long since drown'd, since the fall of that old *Roman Empire*, for at Rome the name of Senate is now altered into that of *Consistory*, (and in the vacancy of the Pope, or See of new Rome, it is called a *Conclave*) and now the *Empire* of Germany (which did arise from the ashes of the old *Roman Empire*) being shiver'd into several *Proprietors* (lest it should grow again too great) was brought to a Dyet, for so the chief Council of that Empire is called.

Yet the old State of Venice still keeps the name of Senate for her great Council, and the chief Council in France is called an *Assembly of States*.

But here in England we have the name of our chief Council from Romans, Saxons, Normans, and lastly from the French, for it hath been called by those, *Senatus*, *Curia altissima*, *Michel Synoth*,

III.

B 2

Assisa



## The Introduction.

*Affisa Generalis*, and many more names, some of which I think fit to render in *English*, viz. *Senate*, the great *Synod* (or meeting of the *King*, and of the *Wise-men*) the *highest Judicatory*, the *General Pleas*, the *Great Court*, the *Common Council* of the Kingdom, and the *General Assize*.

At last, in the time of *Henry* the Third, or *Edward* the Second, all these Names were reduced to the word *Parliament*, which was then borrowed from the Language and Name of the chief *Councils* in *France* (in many of which *Provinces* and *Parliaments* our *Kings* had then a considerable interest.)

IV. I do here mention, that the *Original* of this Name did begin with us in *Henry* the Third, or *Edward* the Second's time, but *Sir Edward Coke*, in his *Institutes*, is pleas'd to cite one Precedent before the *Conquest*: When (saith he) the word *Parliament* was here us'd, but it seems it did not continue a fix'd name of *Parliament* from thence; for at the great *Council*, held by *Henry* the First at *Salisbury*, consisting of the three *Estates*, viz. *Lords Spiritual*, *Lords Temporal*, and *Commons*, it is called by the Name of *Council*, and not *Parliament*, (as some other Writers have mistaken,)

## The Introduction.

5

mistaken,) However, it was not us'd again, till once in *Henry the Third's* time, as some say; but we are certain, that it was us'd in the 15th of *Edward the Second*, (as I shew from safe *Records*) and after *Edward the Third* was Crowned *King of France*, then, and ever since, this great Council of the whole *Kingdom* hath, without variation, gone by the Name of *Parliament*.

And though, as that learned *Institu-* V.  
*tor* observes, That the *French Parliaments* were lesser Courts subject to the Assembly of *Estates*, yet that Assembly of *Estates* was but originally a *grand Parliament*, constituted of those lesser *Estates* or *Parliaments*, and those did anciently consist of *Lords Temporal*, *Commons*, and *Clergy*, (for in that rank they are cited by *Comines*, (an approved *Comines*, Author.) However, since the 15th of *Edward the Second*, we have not altered its name, only a little in Orthography (which hath made work for that learned *Institutor* and other grave Writers on this Subject about its *Etymology*) so by Example of those *Worthies*, I may venture to cull out one, (intending to speak of the rest in my Annotations,) viz. *Parliament*, i. e. a *Parly of minds*; and to this *Etymology* I may add this definition,

B 3

## The Introduction.

tion, That our Parliament consists of a certain number of Men, of certain Degrees and Qualities, Summoned by Writs from the King, to meet together in some place appointed by those Writs, to parly or confer their minds to each other for the good of the Publick.

VI.

This Definition will be more fully proved in this following Treatise; yet, before I confirm it at large, I think fit to give a brief and intelligible *Explanation* of it (in relation to a Parliament here in *England*.) To that end I shall first set down the Nature of our *Monarchical Government*, and then we shall more easily understand the *Constitution* of our *Parliaments*.

It is generally held, That the frame of this *Monarchy* consists of a *King*, and of *three Estates subordinate to him*.

The *first Estate*, mentioned in all our *Acts of Parliament*, is *Spiritual* and *Ecclesiastical*, govern'd by the *Lords Spiritual*; and this *Estate* hath *Jurisdiction* over the whole *Kingdom*, not only considering the effects upon our *Souls*, but in its civil latitude and dimensions, as having an influence and interest in every individual *Man, Woman, and Child*, and in most of the *Products of the Earth* from their first *Being* to their

Disso-

## The Introduction.

3

*Dissolution*; and this in all the fifty two Counties of *England* and *Wales*; but for the distinction of the *Civil* and *Ecclesiastical Jurisdiction*, these are comprised into a lesser number, viz. of twenty six, and are call'd *Diocesses*, as being given to them from *God* by the hands of the *King*, to whom they acknowledge a *subordination*.

The *second Estate* (and so mention'd in our *Laws*) is the *Lords Temporal*, or rather *Militial*, having the *Lieutenancies* of all the Counties of *England* and *Wales* comitted to their Trust, Care, and Charge; and to these belong the managing of *Embassies*, *Treaties of War* or *Peace*, and all honorary Actions, both *Foreign* and *Domestick*, as the *King* (who is the Fountain of *Honour*) does usually confer upon them.

The *third Estate* is the *Commons*, (also mentioned in our *Laws*) and this also subordinate to the *King*; and these consist of *Gentry* (Men of fixt and settled Fortunes, designed for things of *Gallantry* and *Hospitality*) and of the *Teomanry*, comprised under several appellations, viz. *Husbandmen*, *Artificers*, and *Labourers*, all driving on a *Commulative Commerce*, as well to supply themselves as others with what the *Land* or



*Sea* affords, either *necessary*, *convenient*, *ornamental*, or *superfluous*.

VII.

Besides these three, there are three very great Interests, which are not call'd *Estates*, but *Assistances*, and in truth they are the very *Supporters* of these three *Estates*: *viz.*

The first, *Religion*, the second, *Law*, the third, *Trade*.

1. *Religion* is to be managed by the *Clergy* of several *Degrees* (as will be shewn) some neither *Freeholders*, nor *Freemen*) by their winning of men with a *persuasive* or *exemplary Power*, into all Pious and Virtuous Actions, whereby the Souls and Minds of Men may be united to Love and Obedience; and this is the cement of *Unity* (to the three *Estates*.)

2. The *Laws* are manag'd by *Lawyers* of several degrees (some neither *Freeholders*, nor *Freemen*) by instructing *Magistrates* in their compulsory Power, when occasion requires, so as both the *Laws* of *God* and *Man* may be duely observed, and that such whom the *Clergy* cannot invite to Piety, and Virtue, by Precept, and Example, may be compelled to it by the *Rigour* of the *Laws*, and this is the cement of *Severity* to the three *Estates*.

3. *Trade*

## The Introduction.

9

3. *Trade* is manag'd chiefly by *Merchants*, (some also neither *Freeholders*, nor *Freemen*) these give life to *Industry*, whereby the *Rich* do help the *Poor*, and the *Poor* the *Rich*, and thus *Trade*, *Commerce*, and *Industry*, are as necessary *Cements* to the *Three Estates*, as either *Religion* or *Law* (respecting only what morally concerns *Justice* and *Obedience*) and this is the *Cement* of *Prosperity* to the whole *Fabrick*.

So we see that as there are *Three Essential Estates*, so there are also *Three Essential Assurances* or *Supportations* of those *Estates*, and without which those *Estates* cannot well subsist.

Now out of these *Three Estates* in general the *King* doth abstract a *Parliament*. For when *He* gives notice of his intentions to have one, he orders *Writs* to *Archbishops* and *Bishops*, who are chiefly to manage the concerns of the *Clergy*.

VII.

At the same time *He* also orders *Writs* to such of the *Nobility* as *He* or *His Predecessors* have either by *Patent* created to that employment, or otherwise invested with some right thereunto, who are chiefly to manage the concerns of the *Nobility* and *Kingdom*. At the same time *He* also orders *Writs* for *Electing* such a  
number

number of *Commons* out of *Counties*, *Shires*, *Cities*, and *Burroughs*, as may manage the concerns of the *Commonalty*, and yet these *three Estates* thus distinctly *Summoned*, are so admirably intermixt in this *Supream Council* or *Parliament*, that these *three Estates* in that *Council* seem to have an interchangeable power and check on each other, in the more Safe and Wise carrying on the Affairs of the whole *Kingdom*, considered either at *Home* or *Abroad*.

IX.

And as the Government of the *Kingdom* hath three sorts of *Assistances*, (as is before shewn) so those three sorts of *Assistances* are disposed into three sorts of *Assistants*. For the *Bishops* have a certain number of *Deans*, *Archdeacons*, and *Proctors*, cull'd out of *Prebends*, *Parsons*, *Vicars*, and the *Clergy* in general, as may be *Assistants* to the *Episcopal Interest*.

The *Nobility* have a certain number of *Lawyers*, (*viz.* *Justices* of the *Respective Benches* and *Courts* of *Judicature* in *Westminster-Hall*, (as will be shewn) cull'd out of the *Profession* of *Lawyers*, to be *Assistants* to them.

The *Commons* have the bulk of every *County* contracted into *Two Knights*, or one, for each *County*, and of *Two Merchants*

## The Introduction.

11

chants for each *City*, and of Two lesser *Traders* for each *Burrough*, and yet the *Electors* of them are not so confined to the Persons *Eligible*, but that such as they hold fit to manage such *Employment*, are capable to be *Elected*, though they be not *Knights*, *Merchants*, or *Traders*, yet they are confined to a set number, (as I said) and of *qualifi'd Persons*, as well to preserve the *Honor* of it, as to prevent a *surcharge* of too great a concourse to this Assembling of a Parliament.

By this easie demonstration it is evident that the *Lords Spiritual* (consisting of *Archbishops* and *Bishops*, (*Successive* but not *Hereditary*) do Sit in the *Lords House*, and there Represent the whole *Clergy* of this Kingdom.

The *Lords Temporal* consisting of *Dukes*, *Marquesses*, *Earls*, *Viscounts*, and *Barons*, which Five Degrees by a *Nobilitated Interest*, *Hereditary* and *Successive*, do Sit there also, Representing all the *Nobility* of those Degrees in the Kingdom.

The *Commons* consisting of *Knights*, *Citizens* and *Burgesses*, (by an *Elective Interest*, neither *Hereditary* nor *Successive*) do Sit in the *House of Commons*, Representing all the *Commonalty* of this Kingdom.

Over



Over which Three Estates, the *King* for the time being ever was and still is esteemed by an *Hereditary* and *Succeſſive* Right, the *Supream*, and in the *Eye* of the *Law*, the *Immortal Balance* of these Three *Essential* yet *Subordinate Parts*, *Interests* or *Estates* of this *Kingdom*; I say *Immortal*, because our *Laws* do say that *Rex nunquam moritur*, and thereby gives him a clear *distinction* from the Three Estates.

- X. Now to undeceive some that would have the Three Estates to consist of *King*, *Lords*, and *Commons*, because our *Government* seems to be framed of *Monarchy*, *Aristocracy*, and *Democracy*: To clear their Judgments, the *Monarchy* stands *single*, but the *Aristocracy* is *double*, viz. An *Aristocracy* of the *Lords Spiritual*, and an *Aristocracy* of the *Lords Temporal*, to which add the *Democracy* of the *Commons*, and all is reconciled into *Two Aristocratical Estates*, and one *Democratical*, and the *Monarchical* as *Superintendent* to those *Three*, and so this *Unity* with the *Triplicity*, is the due *constitution* of our *English Parliament*, and indeed of the *Kingdom* it self.

---

THE  
CONSTITUTION  
OF  
PARLIAMENTS.

---

CHAP. I.

*The King's Warrant to the Lord Chancellor for Summoning the Parliament begun the 8th of May, 1661.*

**C**HARLES the Second, by the CHAP. I.  
Grace of God King of England,  
Scotland, France, and Ireland,  
Defender of the Faith, &c. To Our right  
Trusty and well beloved Counsellor, Sir  
Edward Hide, Knight, Chancellour of  
England, Greeting; Whereas We by our  
Council for certain great and urgent Causes, concerning Us, the good Estate and Common-wealth of this our Realm, and of the Church of England, and for the good Order and Continuance of the same, have  
appoint-

CHAP. appointed and ordain'd a Parliament to

- I. *be holden at our City of Westminster the eighth day of May next ensuing; In which Case drivers and sundry Writs are to be directed forth under our Great Seal of England, as well for the Nobility of this our Realm, as also for the Election of Knights, Citizens and Burgessees of the severall Counties, Cities, and Burrough Towns of the same, to be present at the said Parliament at the Day and Place aforesaid. Wherefore We Will and Command you forthwith upon receipt hereof, and by Warrant of the same, to cause such, and so many Writs to be made and sealed under our great Seal, for accomplishment of the same, as in like Cases have been heretofore used and accustomed. And this Bill signed with our Hand shall be as well to you as to every Clerk or Clerks as shall make or pass the same, a sufficient Warrant in that behalf.*

*Given at Our Palace at White-hall this Eighteenth Day of February, in the Twelfth Tear of Our Reign, and in the Tear of our Lord One Thousand Six Hundred Sixty and One.*

*Obfer-*

*Observations and Proceedings on this Warrant.*

**T**He *King of England* by his undoubted *Prerogative* hath (and his *Predecessors* ever had) in himself the *Power of Summoning* (as also to appoint the *times of beginning, continuing, discontinuing*, or *dissolving*) of *Parliaments*. I.

This *Summoning* (for I shall speak of the rest in order) or *Uniting* the chiefest *Parts* of his *Kingdom* into a *Parliament*, (or *Representation* of the *Kingdom* in a *less Body* than it self) is performed by the *King's Warrant*, in *his Name*, and by *his Authority only*, as *Supreme*, not only of *his Kingdom*, but of its *Representation*; and from this *Warrant* all *Writs of Summons* for a *Parliament* are deriv'd. II.

The *Warrant* is in *English*, Sign'd by the *King's own Hand*, and Seal'd with his *Privy Seal*, or *Signet*; but the *Writs* are always in *Latin* (or anciently some few in *French*) and are Seal'd with the *King's Great Seal* in *his Name*, with a *Teste* of his *Approbation* (though not manually Sign'd or Seal'd by him.) III.

The



CHAP. The *Warrant* is *General*, viz. for sum-

I. moning the *Nobility*, as also for *Elections*  
 IV. of *Knights*, *Citizens*, and *Burgesses*,  
 but the *Writs* deriv'd from those *Warrants* are to *particular persons*, of *particular degrees* (as will be shewn.)

V. The *Form* of this *Warrant* is ancient; and hath had little or no variation (except in the leaving out of *Abbots* and *Priors*) ever since the 36 of *Henry* the 8th, and except in leaving out *Prelates* and *Bishops* in this very *Warrant*, whereby the *Bishops* had no *particular Writs*, before the sitting of this *Parliament*, but within three Months after, for which *Omission* Reasons will be given in the 7th Chapter.

VI. Before this *Warrant* was issued, the *King* (and so former *Kings*) did advise with their *Privy Council* (which is manifested by the Words of the *Warrant*, viz. *Whereas We, by our Council*) yet if these words had been omitted at any time, and not inserted in the *Warrant*, the *Warrant* was held good and sufficient for due *Summons*.

VII. However, (for publick satisfaction) the words of every *Writ* are always (*Quia de. advizamento & assensu Concilij nostri*) and this *Council* is call'd the *King's Privy*, or *Private Council*, (of which

which I shall speak more) and is the CHAP. I.  
*King's* constant or standing *Council*, as well in time of *Parliament* as when there is none sitting: so as before this *Magnum Concilium*, or *Parliament*, is summon'd, this *Privy Council* consults and deliberates concerning the Motives and Reasons for calling it, and after such deliberations and results, doth advise the King to send out a *Warrant*.

And therefore I conceive it useful to set down the Names of such as were of the *King's Privy Council*, when the calling of this *Parliament* was advis'd and resolv'd upon.

At the Court of White-hall,  
 Feb. 166 $\frac{2}{1}$ .

The KING Present.

His Royal Highness the Duke of York.

His Highness Prince Rupert.

William, Lord Arch-Bishop of Canterbury, (Faxon.)

Edward, Earl of Clarendon, Lord Chancellor of England, (Hide)

Thomas, Earl of Southampton, Lord Treasurer of England, (Wriothesley.)

John, Lord Roberts, Lord Privy-Seal, (Baron of Truro.)

C

John,

CHAP. *John, Duke of Latherdale, (Maitland,)*  
 I. *Earl of Guilford.*

*James, Duke of Ormond, Lord Steward  
 of the King's House, (Butler.)*

*George, Duke of Albemarle, (Monk.)*

*Henry, Marquess of Dorchester,  
 (Pierpoint.)*

*Montague, Earl of Lindsey, Lord great  
 Chamberlain, (Bertie.)*

*Edward, Earl of Manchester, the King's  
 Chamberlain, (Montague.)*

*Aldjernoone, Earl of Northumberland,  
 (Piercy.)*

*Robert, Earl of Leicester, (Sydney.)*

*Charles, Earl of Berkshire, (Howard.)*

*Thomas, Earl of Cleveland, (Wentworth.)*

*George, Earl of Norwich, (Goring.)*

*Henry, Earl of St. Albans, (Jermin.)*

*Edward, Earl of Sandwich, (Montague.)*

*Arthur, Earl of Anglesey, (Annesly.)*

*Charles, Earl of Carlile, (Howard.)*

*William, Viscount Say and Seal, (Fiennes.)*

*Francis, Lord Seymour, (Baron of Trou-  
 bridge.)*

*Frederick, Lord Cornwallis, (Baron of Ai.)*

*Anthony, Lord Ashley, (Cooper.)*

*Charles Berkley, Knight and Baronet.*

*Sir George Carteret, Knight, Vice-Cham-  
 berlain.*

*Sir Edw. Nicholas, } Knights, { Secretaries  
 Sir Will. Morrice, } of State.*

*After*

After the *Warrant* is *sign'd* and *seal'd* CHAP.  
by the *King*, it is sent from the *Signet-* I.  
*Office* to the *Lord Chancellor*, or *Lord*  
*Keeper*, and Directions are given to the  
*Heralds*, to make *Proclamation* (at the  
*Court-gate*, and *Capital City of London*,)  
of the *King's Resolutions* (of which I  
shall speak more in the Chapter of *Pro-*  
*clamations*.)

The *Lord Chancellor*, &c. upon the  
receipt of this *Warrant*, doth issue out  
his *Warrant* also to the *Master* of the  
*Rolls*, as the chief Clerk of the *Pettibag-*  
*Office*, in this Form :

**Y**OU are hereby requir'd forthwith  
to prepare for the great Seal of  
England the several Writs of Summons  
for the Lords Temporal ; As also for the  
Judges and others to appear at the Parlia-  
ment, to be holden the 8th of May next,  
together with the several Writs of Ele-  
ction of the several Knights , Citizens ,  
and Burgessees of the several Counties,  
Cities, Towns, and Burroughs within  
the Kingdom of England , Dominion  
of Wales, and Town of Berwick upon  
Tweed, as also of the several Barons of the  
Cinque-Ports to serve in the said Parlia-  
ment, in such Method and Form, and  
directed to such persons as are and have



CHAP. *been usual in such Cases, all which said*

- I. Writs are to bear date this present eighteenth of February, 1661. and for the so doing, this shall be your Warrant.

Dated, &c.

Upon receipt of the *Lord Chancellor's Warrant*, the Clerks of the *Pettibag*, by the assistance of the former *Precedents* of *Writs* (and anciently by help of the *Masters of Chancery*) and by advice with the *Heralds* (as to *Titles* and true *Names* of *Persons*) do fix a *Schedule*, or *digest*, or *Forms of Writs* to be issued.

Which *Schedule*, or *digest*, they keep fairly ingroft in *Parchment*, as a *Record* in this *Office*, and this *Record* is then entituled the *Parliament Pawn*, and hath no other Name, which is, as they say, the *awarding* of *several Writs* for a *Parliament*. And this *methodical Record* is very ancient, (as may be collected, by comparing this with those which remain in the *Pettibag*.) And with the like *Endorsements* are the *Clause Rolls* in the *Tower*; but there are no more *Pawns* at present in this *Office*, than from the 21 of *Hen. 8.* to this of the 31 of *Car. 2.* making twenty in all.

Formerly these *Pawns*, (or *Records*) some time after the *dissolution* of every *Parlia-*

*Parliament* (as will be shewn) were carried to the *Inrolment Office*, and then among many other *Parliamentary Matters* (of weighty concern) transcrib'd into *Parchement Rolls*, and from thence (for more safety) carried to the *Tower of London*, where they lost the name of *Pawns*, and were and are still call'd *Parliament Clause* (or *Close*) *Rolls*: which I mention because I shall have often occasion in this Treatise to recite such *Clause-Rolls*, wherein the *Pawns* were for the most part inserted or endors'd. And in respect I do not find that any who have writ before me of *Parliaments*, have taken notice of *those Parliament Pawns*, (although they are *Recorded* and kept in the *Pettibag*, an ancient *Office of Record*) I have cull'd out one of the twenty, and made it the foundation of the whole Scheme of this Treatise.

That there are no more *Parliament Pawns* in the *Pettibag*, than (as I said) from the 21. of *Hen.* the 8<sup>th</sup>. to the 13. *Car.* 2<sup>d</sup>. this reason may be given, that when they were again Enroll'd and transmitted to the *Tower*, or *Rolls Chappel*, it might be thought needless to preserve them, in respect that from *Ed.* the 2<sup>d</sup>. to *Ed.* the 4<sup>th</sup>. *Inclusive*, they are safely kept inroll'd among the *Records* in the *Tower*, and from *Ed.* the 4<sup>th</sup>. to the 21 of *Hen.*

CHAP. the 8. *Exclusive*, they are kept safe amongst  
 I. the *Records* in the *Rolls Chappel*, and from  
 the 21 of *Hen. the 8th.* to the 13 *Car. 2d.*  
 they are preserved amongst the *Records*  
 in the *Pettibag Office*, and of these which  
 remain in the *Pettibag*, that of the 31 of  
*Hen. the 8th.* is much defaced and inter-  
 lin'd, but that of the 21 and all the rest  
 from the 36 *Hen. 8.* are fairly ingross and  
 Legible, and Tyed up in one great *Bundle*,  
 the last of which made up for this *Parlia-*  
*ment* of 13 *Car. 2d.* is here *Verbatim*  
*Transcribed.* In which, for want of Ap-  
 plication to the *Heraulds*, the *Clerks* have  
 Committed many mistakes (I suppose  
 (by long discontinuance of *Methodical*  
*Parliaments*) not being well instructed  
*viz.* In the Titles of the Lord *Stourton*,  
 Lord *Vaux*, Lord *Wharton*, Lord *Pagit*,  
 Lord *Shandois*, Lord *Stanhop*, Lord  
*Charles Howard*, Ld. *Roberts*, Ld. *John*  
*Pawlet*, Ld. *Coventry*, Ld. *Frances Seymour*,  
 Ld. *Bruce*, Ld. *Newport*, Ld. *Colpeper*, Ld.  
*Gerrard*, Ld. *Langdale*, Ld. *Hollis*, Ld.  
*Cornwallis*, Ld. *Delamare*, Ld. *Townsend*,  
 Ld. *Ashly*, Ld. *Crew*, and some others which  
 shall be rectified in the 4th. part of this  
*Treatise.* However I thought fit to follow  
 the *Record Verbatim* (except in the Mar-  
 ginal Figures and Notes which I have ad-  
 ded, with Recommendation of Care for the  
 future.

*viz.*

viz. the 13. Car. 2d. is here verbatim transcrib'd. CHAP. II.

CHAP. II.

*The Copy of the Parliament Pawn  
of the 13. Car. 2d.*

*Anno tertidecimo Caroli secundi Regis.*

**C**AROLUS secundus Dei gratia I.  
Angliæ, Scotiæ, Franciæ, & Hi-  
bernæ Rex, Fidei Defensor, &c. Præ-  
charissimo & dilecto Fratri suo Jacobo  
Duci Ebor'um & Albanæ magno Ad-  
mirallo suo Angliæ Salutem. Quia de Ad-  
visamento & Assensu Concilii nostri pro  
quibusdam arduis & urgentibus negotiis  
nos statum & defensionem Regni nostri  
Angliæ & Ecclesiæ Anglicanæ concer-  
nent' quoddam Parliamentum nostrum  
apud Civitatem nostram Westm' octa-  
vo die Maii prox' futur' teneri ordina-  
vimus & ibidem vobiscum ac cum Mag-  
natibus & Proceribus dicti Regni nostri  
Colloquium habere & tractatum. Vobis  
sub fide & Ligeantia quibus nobis tene-  
mini firmiter injungen'd mandamus  
quod consideratis dictorum Negociorum  
arduitate & periculis imminentibus ces-



CHAP. fante excusatione quacunq; dictis die &

II. loco personaliter interfitis nobiscum ac cum Magnatibus & Proceribus prædictis, super dictis Negociis tractatur' vestrumq' Consilium impensur' & hoc sicut nos & honorem nostrum ac Salvationem & defensionem Regni & Ecclesiæ prædictæ expeditionemq; dictorum negotiorum diligitis nullatenus omittatis T. R. apud Westm' decimo octavo die Februarii Anno Regni sui tertio decimo.

*Teste Rege.*

*Consimile.*

CONSIMILE Breve dirigitur Præcharissimo Consanguineo suo Ruperto Duci Cumbriæ T. ut supra.

{ II. REX, &c. Archiepiscopo Cant' &c. }  
 { Consimilia Archi' Ebor' & Episcop'. }

III.

REX prædilecto & perquam fideli Consiliario suo Edro' Dno' Hyde Cancellar suo Angliæ salutem Quia, &c. Ut supra usq' tractatum & tunc sic vobis mandamus firmiter injungen'd quod omnibus al' pretermisissis prædict die & loco personaliter interfitis nobiscum ac cum cæteris de Concilio nostro super dictis negotiis tractatur' vestrumq' consilium impensur' & hoc nullatenus omittatis T. ut supra.

REX

**R**EX *Præcharissimo consanguinea suo* CAP. II.  
 Thomæ Comiti South'ton The-  
 saurario Angliæ Salt'm Quia, &c. ut su- IV.  
 pra usq; tractatum & tunc sic Vobis sub  
 fide & Ligeancia quibus nobis tene-  
 mini, &c. ut supra. T. ut supra.

CONSIMILIA Brevia diriguntur Per- *Confimi-*  
 sonis subscript' sub eodem dat' Videlt' *lia.*  
 Præcharissimo Consanguineo suo.

**G**EORGIO Duci Bucks.  
 CAROLO Duci Richmond. *Dukes*  
 Georgio Duci Albermarl Exercituum *Three.*  
 fuorum Generali.

**J**OHANNI Marchioni Winton'. *Marquesses*  
 Edro' Marchioni Wigorn'. *Four.*  
 Will'o Marchioni Novi Castri.  
 Henr' Marchioni Dorcest'r'.

**C**HARISSIMO Consanguineo suo Mon- *Earls Fif-*  
 tague Comiti Lindsey magno Ca- *tyfive.*  
 merario suo Angliæ.

JACOBO Comiti Brecon' Senescallo Hof-  
 pitii.

EDRO' Comiti Manchester Camerario  
 Hospitii.

ALBERICO Comiti Oxon'.

ALGERNON' Comiti Northumbr'.

FRANCISCO Comiti Salop.

Ca-

- CHAP. Carolo Comiti Derby.  
 II. Johanni Comiti Rotel'.  
 Will'o Comiti Bedford'.  
 Philippo Comiti Pembr' & Montgo-  
 meri.  
 Theophilo Comiti Lincoln'.  
 Carolo Comiti Nott'.  
 Jacobo Comiti Suff'.  
 Ric'o Comiti Dors'.  
 Will'o Comiti Sarum.  
 Joh'i Comiti Exon'.  
 Joh'i Comiti Bridgewater.  
 Rob'to Comiti Leic'.  
 Jacobo Comiti North'ton.  
 Carolo Comiti Warr'.  
 Will'o Comiti Devon'.  
 Basil' Comiti Denbigh'.  
 Georgio Comiti Bristol'.  
 Lionell' Comiti Midd'.  
 Henrico Comiti Holland.  
 Joh'i Comiti Clare.  
 Olivero Comiti Bullingbrooke.  
 Mildmay Comiti Westmerland.  
 Thomæ Comiti Berks.  
 Thomæ Comiti Cleveland.  
 Edr'o Comiti Mulgrave.  
 Henr' Comiti Monmouth.  
 Jacobo Comiti Marlborough  
 Thomæ Comiti Rivers.  
 Henrico Comiti Dover.  
 Henrico Comiti Stamford.

# of Parliaments.

27

CHAP.  
II.

Henr' Comiti Peterborough.

Henr' Comiti Winchelsea.

Carolo Comiti Carnarvan.

Mountjoy Comiti Newport.

Philippo Comiti Chesterfield.

Joh'i Comiti Thanett.

Jeronimo Comiti Portland.

Will'o Comiti Strafford.

Rob'to Comiti Sunderland.

Georgio Comiti Norwic'.

Nich'o Comiti Scarfsdale.

Henrico Comiti sc'ti Albani.

Edr'o Comiti Sandwici.

Edr'o Comiti Clarendon Canc' Angliæ

T. vicesimo nono Aprilis Anno prædicto.

Arthuro Comiti Essex.

Thomæ Comiti Cardigan.

Arthuro Comiti Anglesey.

Joh'i Comiti Bathon'.

Carolo Comiti Carliol' T. vicesimo  
nono Aprilis Anno prædicto.

**L** Eicestr' Vicecomiti Hereford.

Francisco Vicecomiti Montague.

Will'o Vicecomiti Say & Seale.

Edr'o Vicecomiti Conway.

Baptist' Vicecomiti Campden.

Will'o Vicecomiti Stafford.

Thomæ Vicecomiti Falconberg'.

Joh'i Vicecomiti Mordant.

*Viscounts  
Eig't.*

Præ



## CHAP.

## II.

*Barons*  
*Chevaliers*  
*Sixty*  
*eight.*

**P**Rædilecto & fideli suo Joh'i Nevile  
de Aburgavenny Chr'.

Jacobo Tutchell de Awdley Chr'.

Carolo West de la Warr Chr'.

Georgio Berkley de Berkley Chr'.

Thomæ Parker de Morley & Mont-  
egle Chr'.

Francisco Dacres Chr'.

Conyers Darcy de Darcy Chr'.

Will'o Stourton de Stourton Chr'.

Will'o Sandys de la Vyne Chr'.

Edr'o Vaux de Harrowdon Chr'.

Thomæ Windsor Chr'.

Thomæ Wentworth Chr'.

Wingfeild Cromwell Chr'.

Georgio Eure Chr'.

Phil' Wharton de Wharton Chr'.

Francisco Willoughby de Parham Chr'.

Will'o Pagit de Beau desert Chr'.

Dudlee North Chr'.

Will'o Shandos de Shudely Chr'.

Joh'i Cary de Hunsdon Chr'.

Will'o Petre Chr'.

Dutton Gerrard de Gerrard Bromley  
Chr'.

Carolo Stanhope de Harrington Chr'.

Henr' Arundell de Wardour Chr'.

Christophero Roper de Tenham Chr'.

Rob'to Brooke Chr'.

Edr'o Mountague de Boughton Chr'.

Carolo

## of Parliaments.

29

CHAP.  
II.

Carolo Howard de Charlton Chr'.

Will'o Grey de Wark Chr'.

Joh'i Roberts de Truro Chr'.

Will'o Craven Chr'.

Joh'i Lovelace Chr'.

Joh'i Pawlet de Hinton St. George Chr'.

Will'o Maynard Chr'.

Thomæ Coventry de Alesborough  
Chr'.

Edr'o Howard de Efcrick Chr'.

Warwic' Mohun Chr'.

Percy Herbert de Powis Chr'.

Edr'o Herbert de Cherbury Chr'.

Fran'co Seymour de Trowbridge C. D.  
Lanc' Chr'.

Thomæ Bruce de Wharltton Chr'.

Fran'co Newport de Higharcall Chr'.

Thomæ Leigh Chr'.

Christophero Hatton Chr'.

Henr' Hasting de Loughborough Chr'.

Ri'co Byron Chr'.

Ri'co Vaughan Chr'.

Carolo Smith de Carrington Chr'.

Will'o Widdrington Chr'.

Humble Ward Chr'.

Thomæ Culpepper de Thoresway Chr'.

Isaaco Astley Chr'.

Ri'do Boyle de Clifford Chr'.

Joh'i Lucas Chr'.

Joh'i Bellasis Chr'.

Lodovico Watson de Rockingham Chr'.  
Carolo

CHAP. Carolo Gerrard de Brandon Chr'.

II. Rob'to Sutton de Lexington Chr'.

Carolo Kirkhoven de Wotton Chr'.

Marmaduco Langdale de Holme Chr',

Will'o Crafts Chr'.

Joh'i Berkley Chr'.

Denzil Hollis de Ifeild Chr'.

Frederic' Cornwallis de Eye Chr'.

Georgio Delamere de Dunham Massey  
Chr'.

Horratio Townesend de Lynn Regis Chr'.

29 April,  
1661.

Antonio Ashley Cooper de Winborne  
Sancti Egidij Chr'.

Johanni Crew de Stene Chr'.

V.

**R**EX Dilecto & fideli suo Rob'to  
Foster mil' Capitali Justic' nostro  
ad pl'ita coram nobis tenend' assign'  
salt'm Quia de Advifamento & assensu  
Consilij nostri pro quibusdam arduis &  
urgentibus negocijs Nos statum & de-  
fensionem Regni nostri Angliæ & Eccle-  
siæ Anglicanæ concernen' quoddam  
Parliamentum nostrum apud Civitatem  
nostram Westm' octavo die Maij prox' fu-  
tur' teneri ordinavimus & ib'm vobiscum  
ac cum Magnatibus & Proceribus dicti  
Regni nostri colloquium habere & tra-  
ctatum Vobis mandamus firmiter injun-  
gend' quod omnibus alijs pretermis-  
sæ prædictis die & loco personalit' intersitis  
nobiscum

nobiscum ac cum cæteris de Concilio nostro super dictis negocijs tractatur' vestrumq; consilium impensur' Et hoc nullatenus omittatis Teste Rege apud Westm' decimo octavo die Februarij Anno prædicto.

CHAP.  
II.

CONSIMILIA Brevia diriguntur personis subscript' sub eodem dat' Videlt'.

**H** Arbottel Grimston Baronet' Mag'ro Rotulorum Cancellar' suæ.  
Orlando Bridgeman Mil' Capitali Justic' de Banco suo.

Mattheo Hale Capital' Baron' de sec'io suo.

Thomæ Mallett Mil' un' Justic' suorum ad pl'ita coram ipso Rege, &c.

Thomæ Twisden Mil' al' Justic' suorum ad pl'ita coram ipso Rege, &c.

Wadham Windham Mil' al' Justic' suorum ad pl'ita coram ipso Rege, &c.

Rob'to Hyde Mil' un' Justic' suorum de Banco.

Thomæ Terryl Mil' un' Justic' suorum de Banco.

Samueli Browne Mil' al' Justic' suorum de Banco.

Edr'o Atkins Militi.

Christophero Turner Mil' Baronibus de sec'io.

Gal.



CHAP. Galfrido Palmer Mil' Attorn' suo Generali.

II.

Johanni Glynn Militi.

Johanni Maynard Militi Servien' d'ni Regis ad legem.

Edr'o Nicholas Militi un' Principal' Secretar'.

VI.

I.

CAROLUS secundus Dei gratia Angliæ Scotiæ Franciæ & Hiberniæ Rex fidei defensor, &c. Vic' Cornub' salutem Quia de Advifamento & affensu Concilij nostri pro quibusdam arduis & urgentibus negocijs Nos statum & Defensionem Regni nostri Angliæ & Ecclesiæ Anglicanæ concernen' quoddam Parliamentum nostrum apud Civitatem nostram Westm' octavo die Maij prox' futur' teneri ordinavimus & ibidem cum Magnatibus & Proceribus dc'i Regni n'ri colloquium habere & tractatum. Tibi præcipimus firmit' injungend' quod facta Proclamatione in prox' Com' tuo post reception' hujus Brevis nostri tenend' de die & loco prædict' duos Milites Gladijs cinctos magis idoneos & discretos Com' prædict' de qualibet Civitate Com' illius duos Cives & de quolibet Burgo duos Burghenses de discretioribus & magis sufficien' libere & indifferenter super illos qui Proclamatione hu'mo'i interfuerunt juxta for-

formam statutorum inde edit' & provis' CHAP.  
Et nomina eorundem Militum Civium II.

& Burgens' sic eligend' in quibusdam Indentur' inter te & illos qui hu'modi Electioni interfuerint inde conficiend' licet hu'modi eligend' presentes fuerint vel absentes inferi eosq; ad dictos diem & locum venire fac' Ita quod iidem Milites plenam & sufficien' potestat' pro se & Communitate Com' illius ac dicti Cives & Burgens' pro se & Comitatus Civitatis & Burgorum prædict' divisim ab ipsis habeant ad faciend' & consentiend' hiis quæ tunc ib'm de Communi Concilio dicti Regni nostri favente Domino contigerint ordinari super negocijs antedictis Ita quod pro defectu potestat' hu'modi seu propter improvidam Electionem Militum Civium aut Burgens' prædictorum dicta negocia infecta non remaneant quovismodo' Nolumus autem quod tu nec aliquis al' Vic' dicti Regni nostri aliqualit' sit electus & Electionem illam in pleno Com' tuo factam distincte & aperte sub sigillo tuo & sigillis eorum qui Electioni interfuerint nobis in Cancellariam nostram ad dictos diem & locum certifies indilate remitten' nobis alteram partem Indentur' prædict' præsentibus consut' unacum hoc brevi T. R. apud Westm' decimo octavo die Februarii Anno Supradicti.

D

Con.

CHAP. Consimilia Brevia diriguntur Vice-  
II. comitibus separat' Com' sequen' sub  
dat' prædict' Videlt'.

<i>Kant'.</i>	<i>Westmerl'.</i>	<i>Warr'.</i>
<i>Midd'.</i>	<i>Eborum.</i>	<i>Rotes'.</i>
<i>Surr'.</i>	<i>Wigorn'.</i>	<i>Bucks.</i>
<i>Suffex.</i>	<i>Essex.</i>	<i>Cumbr.</i>
<i>Southt'.</i>	<i>Heref'.</i>	<i>Berks.</i>
<i>Lincon'.</i>	<i>Devon.</i>	<i>Bedd'.</i>
<i>Staff'.</i>	<i>Hertf'.</i>	<i>Hunt'.</i>
<i>Suff'.</i>	<i>Wilts.</i>	<i>Monmouth de</i>
<i>Derb'.</i>	<i>Northt'.</i>	<i>duobus Mili-</i>
<i>Norff'.</i>	<i>Somers'.</i>	<i>tibus &amp; uno</i>
<i>Nott'.</i>	<i>Glouc'.</i>	<i>Burgens, in</i>
<i>Salop.</i>	<i>Leic'.</i>	<i>Burgo de</i>
<i>Northumbr'.</i>	<i>Dors'.</i>	<i>Monmouth.</i>

**R**EX Vic' Cantabr' Salutem Quia  
&c. ut supra usq; tractatum & tunc  
sic Tibi præcipimus firmiter injungend'  
quod facta Proclamatione in prox' Com'  
tuo post receptionem hujus brevis nostri  
tenend' de die & loco prædictis duos  
Milites Gladiis cinctos magis idoneos  
& discretos Com' prædicti ac de Univer-  
sitate Cantabr' duos Burgenses & de qual't  
Civitate Com' illius duos Cives & de  
quol't Burgo duos Burgenses de discre-  
tioribus & Magis sufficien' libere & in-  
different'

different' per illos qui Proclamationi CHAP.  
hu'modi interfuerint juxta formam Sta- I.  
tutorum inde edit' & provi' eligi & no-  
mina eorundem Militum Civium &  
Burgens' prædictorum sic eligend' in  
quibusdam Indentur' inter te & illos qui  
hu'modi Electioni interfuerint inde con-  
ficien'd licet hu'modi eligend' presentes  
fuerint vel absentes inferi eosq; ad dictos  
diem & locum venire fac' Ita quod iidem  
Milites plenam & sufficien' potestatem  
pro se & Coi'tate Com' illius ac dicti  
Cives & Burgens' pro se & Comitatus  
Universitat' Civitat' & Burgorum præ-  
dict' divisim ab ipsis habeant ad faciend'  
& consentiend' hiis quæ tunc ib'm de  
Comun' Concilio dicti Regni nostri  
favente Domino Contigerint ordinari  
super negociis antedictis. Ita quod pro  
defectu potestatis hu'modi seu propter im-  
providam Electionem Militum Civium  
aut Burgens' prædict' dicta negocia in-  
fecta non remaneant quovismodo. Nolu-  
mus autem quod tu nec aliquis alius Vic'  
dicti Regni nostri aliqualit' sit electus &  
Electionem illam in pleno Com' tuo factam  
distincte & aperte sub sigillo tuo &  
sigillis eorum qui electioni illi interfue-  
rint nobis in Cancellar' nostram ad di-  
ctos diem & locum certifies indilate re-  
mitten' nobis alteram partem Indentur'



CHAP. prædict' presentibus consut' unacum hoc  
II brevi Teste ut supra.

Consimile Breve dirigitur Vic' Oxon'  
sub dat' prædict.

VIII.  
HI.

**R**EX Vicecomitibus London: Sa-  
lutem Quia &c. ut supra usq; tra-  
ctatum & tunc Vobis præcipimus firmi-  
ter injungentes quod facta proclamatione  
in prox' Hustengo nostro post recepti-  
onem hujus Brevis nostri tenend' de die  
& loco prædict' quatuor Cives de discre-  
tioribus & magis sufficien' Civitat' præ-  
dict' libere & indifferent' per illos qui  
proclamationi hu'modi interfuerint juxta  
formam Statutorum inde edit' & provis'  
eligi & nomina eorundem Civium sic  
eligend' in quibusdam Indentur' inter  
vos & illos qui hu'modi Electioni interfu-  
erint inde conficiend' licet hu'modi eli-  
gend' presentes fuerint vel absentes inferi  
eosq; ad dictos diem & locum venire fac'  
Ita quod prædict' Cives plenam & suffi-  
cien' potestat' pro se & Co'itate Civita-  
tis prædict' divisim ab ipsis habeant, &c.  
ut supra mutatis mutandis, &c. & in  
qual't Civitate sequen' facta proclama-  
tione infra Com' Civitat' prædict', &c.  
ut supra & in Villis sequen' infra Com'  
Villæ prædict', &c. T. ut supra.

Con.

Conſimilia Brevia diriguntur Viceco-  
mitibus ſeperal' Civitat' & Vill' ſequen'  
ſub eodem dat' Videlt'. CHAP. II.

Vicecomiti-	{	Eborum	}	de duobus
bus Civi-		Norwici		
tatis ſuæ.		Lincoln'		
		Coventr'		
		Glouc'		Civibus eligend'.

Vicecomitibus Civitatis ſuæ	}	de duobus
Briſtol,		
Vic' Civitat' ſuæ Cantuar'		
Vic' Civitat' ſuæ Exon'		
Vic' Civitat' ſuæ Lich'		
Vic' Civitat' ſuæ Wigorn'		Civibus eligend'.

Vicecomitibus Villæ ſuæ	}	de duobus
Nott'		
Vic' Villæ de Kingſton ſuper		
Hull		
Vic' Villæ ſuæ Southt'		
Vic' Villæ ſuæ Novi Caſtri		
ſuper Tinam		Burgens' eligend'.
Vic' Villæ ſuæ de Poole		

Vicecomitibus Villæ ſuæ	}	de uno Bur-
Haverford-weſt		
Vic' ſuæ Carmarthen'		gens' eligend'.

CHAP.

II. Majori & Ballivis Villæ } de duobus  
Berwici super Twedam } Burgens'  
eligend'.

IX. **R**EX Constabular' Castri sui Dover  
4. ac Custod' Quinq; Portuum vel  
ejus locum tenenti ib'm Sal'tem, Quia,  
Ec. usq; tractatum Et tunc Vobis in  
fide & Ligeancia quibus nobis tenemini  
firmit' injungend' mandamus Quod in  
quolibet Portu Portuum prædict' duos  
Barones de Melioribus & discretoribus  
eligi & eos ad dictos diem & locum ve-  
nire fac' Ita quod dicti Barones plenam  
& sufficien' potestatem pro se & Co'itate  
Port' suorum habeant ad consentiend'  
hijz quæ tunc ib'm communi de Concilio  
dicti Regni nostri Angliæ favente Domi-  
no contigerint ordinari super negotijs  
antedictis Ita quod pro defectu potestatis  
hu'modi seu propter improvidam Ele-  
ction' Baronum prædict' dicta negotia  
infecta non remaneant quovismodo Et  
habeatis ibi nomina prædict' Baronum  
& hoc breve T. ut supra.

X. **R**EX Cancellar' suo in Com' Pala-  
5. tino Lancastr' vel ejus locum te-  
nenti ib'm sal'tem Quia, Ec. ut supra  
usq; tractatum Et tunc sic Vobis manda-  
mus

mus firmiter injungentes quod per breve CAP. II.  
 nostrum sub sigillo nostro Com' prædict'  
 detis in mandatis Vic' nostro ejusdem  
 Com' quod idem Vic' facta proclama-  
 tione in prox' Com' suo post receptionem  
 dicti brevis nostri &c. in quibusdam In-  
 dentur' int' ipsum Vic' & illos &c. Nolu-  
 mus autem quod idem Vic' &c. Et Ele-  
 ctionem illam in pleno Com' prædict'  
 sic factam distincte aperte sub sigillo  
 Com' prædict' & sigillis eorum qui ele-  
 ctioni illi interfuerint nobis in Cancellar'  
 nostram Angliæ ad dictos diem & locum  
 certificetis indilate remitten' nobis &c.  
 ut supra.

**R**EX Camerario suo Com' Palatini  
 sui Cestriæ vel ejus locum tenenti  
 ib'm salutem Quia, &c. usq; tractatum  
 Vobis mandamus firmiter injungend'  
 quod per seperalia brevia nostra sub si-  
 gillo nostro Com' prædict' debite confi-  
 ciend' detis in mandatis tam Vic' nostro  
 ejusdem Com' Cestr' quam Vic' nostris  
 Civitat' Cestr' quod facta proclamatione  
 in prox' Com' suis post receptionem eo-  
 rundem brevium nostrorum tenend' de  
 die & loco præd' dictus Vic' de'i Com'  
 Cestr' duos Milites gladio cinctos magis  
 idoneos & discretos Com' præd' & præd'  
 Vic' de'æ Civit' Cestr' duos Cives de'æ

XI.  
6.



CHAP. Civit' de discretioribus, &c. Et nomina eorundem Milit' sic eligend' in quibusdam Indentur' int' ipsum Vic' Civitat' & illos qui hujusmo'i Electioni interfuerint Ac nomina præd' Civium sic eligend' in quibusdam Indentur' int' ipsos Vic' Civitat' & illos qui, &c. Nolumus autem quod idem Vic' de'i Com' Cestr' nec præd' Vic' Civitat' præd' nec aliquis, &c. Et Electiones illas in plenis Com' & Civitat' præd' sic fact' distincte & aperte sub sigillo Com' Palatini præd' & sigillis eorum qui Electionibus illis interfuerint nobis in Cancellariam nostram Angliæ ad dictos diem & locum certifices indilate remitten' nobis alteras partes seperal' Indentur' præd' presentibus consut' unacum hoc brevi T. ut supra.

XII. **R**EX Vic' Carnarvon salutem Quia, &c. usq; tractatum Tibi præcipimus firmiter injungend' quod facta proclamatione in prox' Com' tuo post receptionem hujus brevis nostri tenend' de die & loco prædictis unum Militem Gladio cinctum magis idoneum & discretum Com' prædict' & de quolibet Burgo vocat' *le shire Town* ejusdem Com' unum Burgensem de discretioribus, &c. ut supra in Com' Cornub' mutatis mutandis T. ut supra.

Consimilia

Confimilia Brevia diriguntur Viceco-  
mitibus feperal' Com' fequen' sub dat' II.  
præd' videlt',

<i>Radnor.</i>	<i>Glamorgan.</i>	<i>Anglesey de</i>
<i>Brecon.</i>	<i>Pembroke.</i>	<i>uno Milite</i>
<i>Carmarthen.</i>	<i>Flint.</i>	<i>tantum eli-</i>
<i>Mountgomery</i>	<i>Merioneth.</i>	<i>gend'.</i>
<i>Cardigan.</i>	<i>Denbigh.</i>	

S E C T. II.

*Observations on this Pawn.*

**T**His is the full Transcript of the  
*Pawn* or Record of the Writs  
which were issued for the Summoning  
this Parliament; and that my Method  
in managing of them may be the clearer  
understood, I shall set down some Ob-  
servations pursuant to it.

*Obs.*

In the Original of this *Pawn*, or Re-  
cord, there are no Figures placed in the  
Margents of the respective Paragraphs  
of it (but I have thought fit, in respect  
of the several occasions referring to it,  
to add the Figures of I. II. III. IV. V.  
(being Paragraphs particularly relating  
to the *House of Lords*;) and then the  
Figures of VI. VII. VIII. IX. X. XI. XII.  
being

I.

CHAP. being Paragraphs particularly relating to  
 II. the *House of Commons*,) for of all these I shall speak distinctly in this, and the Second Part of this Treatise.

II. All the Exemplar Writs are dated the 18th of *Feb.* 13 *Car.* 2. but there being several Creations of Lords (or at least their Patents not perfect) after the 18th, all the subsequent Writs for such Lords were dated the 29th of *April* following, and that is the reason of the different Dates of Writs in the *Pawn*, but all were before the Parliament sat.

III. The first Exemplars in this *Pawn* for the *Lords House* do begin with the words, CAROLUS Secundus Dei Gratia Angliæ Scotiæ Franciæ & Hiberniæ Rex Fidei Defensor. And so the first Exemplar in the *House of Commons*, Fig. 6. begins in the like words; yet all the other Exemplars in the *Pawn* do begin only with the word *Rex*, omitting the other words, which must be understood that the single word *Rex*, &c. is so entered only for brevity, not that the Form of the other Exemplar or Consimilar Writs are so concise, either in the preamble or body of the Writs (for the same reason.)

IV. In respect I do make use of the words Exemplar Writs, and Consimilar Writs,  
 it

it is fit I should speak of the Nature of Writs in general. CHAP. II.

The Common and Civil Law calls a Writ in *Latin*, *Breve*, *quia brevibus & paucis verbis intentionem Legis exponit*. And of these in the Common Law some are call'd Original, and others Judicial; the Original (if I do not miscount them, from the Register of Writs) are 727 in Number: and these are us'd in the respective Courts in *Westminster* before any appearance had, or other Process issued in all matters both real and personal, and are always in the King's Name, attested by the Chief Justice of the Court from whence they issue; the other, call'd Judicial Writs, (if I miscount not the number of them from the same Register) are 371, which are sent out by order of those Courts where the original Writ is recorded, and the Case depending; and these latter do also issue in the King's Name, and attested by the chief Justice of the respective Courts from whence they proceed, and seal'd with green Wax, with the Seals of the respective Courts.

But the Parliament Writs (of which I am to treat) are of another nature and quality, issued only by the King's immediate Command and Warrant, and seal'd with the great Seal of *England*; and these



CHAP. these have two appellations, viz. *Brevia*  
 II. *Clausula*, (or *operta*,) and *Brevia Patentia*, (or *Aperta*.)

The *Brevia Clausula* are Writs of Summons clos'd up in yellow Wax, and so seal'd with the great Seal of *England*, and then (as will be more fully shewn, after I have discours'd distinctly of the Writs) sent (with *Labells*) to every individual Prince of the Blood, Lords Spiritual, Lords Temporal, and Assistants, and to every Sheriff of the Kingdom, for Elections of Knights, Citizens, and Burgeses for the *Commons House*; and so do concern both *House of Lords*, and *House of Commons*, (as also the *Convocation Houses*, derivatively from the Arch-Bishops, and Bishops Writs,) of which last I shall speak more distinctly in this Treatise, concerning the *Convocation House*.)

But the *Brevia Patentia* do chiefly concern the *House of Lords*, viz. by Patents of *Creations*, (as also some Officers, as will be shewn) and all these are call'd *Patentia*, or *Letters Patents*, because they are not inclos'd, but open, with the Impression of the great Seal of *England* at large hanging to them, yet all the Created Patentees have their distinct Writs of Summons, but not the  
 Official

Official Patentees, viz. Clerk of the CHAP.  
Crown, Clerk of the Parliament, Clerk II.  
to the House of Commons, &c.

These Patent Writs have no other appellation than Literal, or Letters Patents, as I said. But the Parliamentary close Writs are divided into two Titles, viz. Exemplars and Consimilars, and though the word Exemplar is not us'd in the *Pawns*, yet the word Consimile is constantly us'd there, which doth imply an Exemplar. The Exemplars are Writs set down at large in the *Pawns*, and the Consimilars are Writs not inserted in the *Pawns*, and yet are to have a consimilitude with their Exemplars, the Exemplar being so made upon some extraordinary reason, as will be shewn hereafter.

As for those Writs which concern the *House of Lords* (of which I only treat in this first Part) as they are more in number than any of the other *Houses*, (not including derivative Writs, Precepts, or Citations) so they are of a more nice nature, in respect (as I said) they are personal; for a distinct Writ is to be provided for every individual Lord sitting in the *Lords House*, but not so in the *House of Commons*, or *lower Convocation*, (as will be shewn) and though the main body of the Writs in those concerning

V.

CHAP. cerning the *Lords House* do differ but

II. little from the Writs of former Kings, or from those of the *House of Commons*, yet the Titles do very much vary in every Parliament, partly by the new Creation of Barons, partly in their Ascension from Barons to higher degrees, and partly by splitting of Titles upon extinction of Families, and for other causes they are in few years subject to variation in Titles, wherein every Lord is exact in having his due, and therefore some of the Heralds, (as I said, according to the several districts of the Kingdom under their managements) are, or ought to be consulted with, that the Clerks may commit no mistakes either in their Titles of Grace and Favour, or in their Titles of Rights and Concessions, before the Writs be sealed, and the not effectual doing this (which ought to be done) might occasion some mistakes and differences between the Exemplar and Consimilary Writs in point of Titles, (as will be shewn.)

VI. The other parts of the Writs, as well in Exemplars as Consimilars (which concern not the Titles of the Peers) are the same both in the declaratory and mandatory parts, except some few words, (of which I shall take notice in my proceedings)

ceedings) and herein I shall not trouble my self with shewing what reasons were given in some Writs for summoning a Parliament, or what in others, or the reason of those Reasons, and why in some there were no Reasons given, only a short *Mandamus*.

All Writs at large recited in this and all former *Pawns*, are the Exemplars of all other Writs of Summons for a Parliament which are not in the respective *Pawns*, whereby these in this *Pawn* (with the addition of the Bishops Exemplar Writs, (which are entred in all former *Pawns*) did and do now make 12 Exemplars, but the Writs which are not recited in this and former *Pawns* (which I term *Consimilars*) at the calling this Parliament, were in all 262.

VII.

Some of the 12 are Exemplars, and other Writs have a consimilitude to them, yet have no positive Consimilars appointed them, whereof there are but three, viz. One to the Lord Chancellor in the *Lords House*, and to the two Palatines in the *Commons*.

VIII.

All Writs of Summons to the *House of Lords* both Exemplars and Consimilars are Personal and Local, but all Writs of Summons for the *House of Commons* are only Local.

IX.

These



CHAP. These 12 *Exemplars* are in this following method stated, with their *Consimilars*, viz. those 5 for the *Lords House* are,

		<i>Exemplar.</i>	<i>Consimilar.</i>
I.	To the Duke of York	1	1
II.	To the Archbishop of Canterbury	1	25
III.	To the Lord Chan- cellor	1	0
IV.	To the Earl of South- hampton, L. Treasu- rer	1	In this Parlia- ment, 3 Dukes, 4 Marq; 55 Earls, 8 Vifc. 68 Barons.
V.	To the Chief Justice of the Kings Bench	1	
			138
			15

So there was in the *Lords House* 5 *Exemplar Writs*, and 179 *Consimilars*. — in all 184.

The remaining *Exemplar Writs* relating to the *House of Commons* are 7. (of which I shall speak more in the next part of this Treatise) viz.

VI.	To Cornwall	1	4
VII.	To Cambridge	1	1
VIII.	To London	1	18
IX.	To Dover	1	Cinqports 7
X.	To Lancaster	1	0
XI.	To Chester	1	0
XII.	To Carmarthen	1	Wales 11

So there is for the *Commons House* 7 *Exemplars*, and 73 *Consimilars*, in all 80 *Writs*, in both Houses — 264

So

So many Exemplar and Consimilar CHAP. II.  
Writs were issued to Constitute this Parliament *An. 1661.* in the *Lords House*, to Countreys, Shires, and Comitated Cities and Towns, in the *Commons House*, where- of some years after its Sitting, one *Exemplar* and one *Consimilar* was issued for the Bishoprick of *Durham*) all the rest of the Writs for Cities, Towns and Burroughs not Comitated, (of which I shall give an account) do lose their names of Consimi- lars, when the Exemplar Writs do come to the respective Sheriffs, for then they pass from the respective Sheriffs; under the titles of Precepts, (or Derivative-Writs) as shall be more fully discours'd of in the second part, where I treat of the *House of Com- mons.*

Now I shall proceed to the Act of *Pre- cedencies*, and give a short description of such as are to be Summon'd for the *Lords- House* only, because I speak more amply of their *Individual-Writs* whereby they are Summon'd

## CHAP. III.

*Of Precedencies.*

HAVING shewn the Kings Warrant, and the Lord Chancellors, and the Record made up in the Pettibag, call'd the *Parliament Pawn*, and given a touch of the nature of Writs in general, and in particular, of Parliamentary Writs of Summons, consisting of Writs Exemplar and Consimilar, as also an hint of Precepts or Derivative-Writs from those Exemplars, (which are to be more fully treated of in the 2<sup>d</sup>. part,) I shall proceed to the Act of 31 of *Hen.* the 8<sup>th</sup>. concerning Precedencies in the *Lords House*, occasion'd from the defect or long disusage of *Pawns*, or other State reasons; for there being no *Pawns* extant but, as I said, from the 21 of *Hen.* the 8<sup>th</sup>. to this time, the other being by *Endorsment* &c. on the *Records* in the *Tower* or *Rolls Chappel*; Our King *Hen.* the 8<sup>th</sup>. did make this *Act of Precedencies*, (which hath its chief Reference to the time when

when a Parliament is Sitting, and so CHAP.  
not proper to be inserted in this place, III.  
seeing my design in this first part is to treat  
of matters previous to a Parliament, be-  
fore I speak of matters *Sedente Parlia-  
mento*) yet it may be allow'd in respect  
I make no other present use of it, than  
to enlighten the Readers with the  
Characters of such Persons and Degrees  
as are to have Writs of Summons to sit  
there according to that Act, and there-  
fore I shall first shew a Transcript of  
that Act, then some Observations upon  
it, and then give some short discourses  
of the *Noble Degrees* therein mention'd,  
in order to their Writs which shall di-  
stinctly follow.

The Transcript of the *Act of Pre-  
cedency*, 31. *Hen. 8. Cap. 10.*

---

The Act of Precedency, 31. *Hen.*  
8. *Cap. 10.*

FORasmuch as in all great Councils  
and Congregations of men, having  
sundry Degrees and Offices in the Common-  
wealth, it is very requisite and conveni-  
ent that an order should be had, and ta-  
ken for the placing and sitting of such  
Persons as been bound to resort to the



CHAP. same, To the intent that they knowing  
 III. their places may use the same without displeasure or let of the Council. Wherefore the Kings most Royal Majesty (although it appertaineth to his Prerogative Royal to give such Honors, Places, and Reputation to his Counsellors, and other his Subjects as shall seem best to his most Excellent Wisdom.) He is nevertheless pleas'd and contented for an Order to be had and taken in this his most High Court of Parliament, that it shall be Enacted by Authority of the same in manner as hereafter followeth.

First, It is Enacted by Authority aforesaid, That no Person or Persons of what Estate, Degree, or Condition soever he or they be of, (except only the Kings Children) shall at any time hereafter attempt, or presume to sit or have place at any side of the Cloth of State in the Parliament-Chamber, neither of the one hand of the Kings Highness nor of the other, whether the Kings Majesty be there Personally present or absent.

2. And forasmuch as the Kings Majesty is justly and lawfully Supream head in Earth under God of the Church of England, and for the good exercise of the said most Royal Dignity and Office, hath made Thomas Lord Cromwel and Lord  
 Privy

*Privy Seal, his Vicegerent, for good and CAP. II.  
due ministration of Justice to be had in  
all Causes and Cases touching the Eccle-  
siastical Jurisdiction, and for the Godly  
reformation and redress of all Errors, He-  
resies, and Abuses in the said Church; It  
is therefore also Enacted by Authority a-  
foresaid, That the said Lord Cromwel  
having the said Office of Vicegerent, and  
all other Persons which hereafter shall  
have the said Office of the grant  
of the Kings Highness, his Heirs or  
Successors, shall Sit and be plac't as well  
in this present Parliament as in all Par-  
liaments to be holden hereafter, on the right  
side of the Parliament-Chamber, and on  
the same Form that the Archbishop of Can-  
terbury sitteth on, and above the same  
Archbishop and his Successors, and shall  
have Voice in every Parliament to assent or  
dissent, as other the Lords of the Parlia-  
ment.*

3. *And it is also Enacted, That next to  
the said Vicegerent, shall sit the Arch-  
bishop of Canterbury, and then next to  
him on the same Form and side, shall sit  
the Archbishop of York, and next to him  
on the same Form and side the Bishop of  
London, and next to him on the same side  
and Form the Bishop of Durelme, and next  
to him on the same side and Form the Bi-*

CHAP. *shop of Winchester, and then all the other*  
 III. *Bishops of both Provinces, of Canterbury and York, shall sit and be plac't on the same side after their Ancienties, as it hath been accustomed.*

4. *And forasmuch as such other Personages which now have or hereafter shall happen to have other great Offices of the Realm, that is to say, the Offices of the Lord Chancellor, the Lord Treasurer, the Lord President of the Kings Council, the Lord Privy Seal, the Great Chamberlain of England, the Constable of England, the Lord Marshal of England, the Lord Admiral, the Grand Master or Lord Steward of the Kings most Honourable Houshold, the Kings Chamberlain, and the Kings Secretary, have not heretofore been appointed and ordered for the placing and sitting in the Kings most High Court of Parliament, by reason of their Offices: It is therefore now Ordained and Enacted by Authority aforesaid, That the Lord Chancellor, the Lord Treasurer, the Lord President of the Kings Council, and the Lord Privy-Seal, being of the Degrees of Barons of the Parliament, or above, shall sit and be placed as well in this present Parliament as in all other Parliaments hereafter to be holden, on the left side of the said Parliament-Chamber on the higher part of the Form of the same side, above*  
*all*

all Dukes, except only such as shall hap-  
pen to be the Kings Son, the Kings Bro-  
ther, the Kings Uncle, the Kings Nephew,  
or the Kings Brothers or Sisters Sons.

CHAP.  
III.

5. And it is also Ordained and Enacted  
by Authority aforesaid, That the Great  
Chamberlain, the Constable, the Marshal,  
the Lord Admiral, the Great Master or  
Steward, and the Kings Chamberlain, shall  
sit and be placed after the Lord Privy-  
Seal, in manner and form following,  
that is to say, every of them shall sit and  
be placed above all other Personages being  
of the same Estates or Degrees that they  
shall happen to be of, that is to say, the  
Great Chamberlain first, the Constable next,  
the Marshal third, the Lord Admiral  
the fourth, the Grand Master or Lord  
Steward the fifth, and the Kings Cham-  
berlain the sixth.

6. And it is also Enacted by the Autho-  
rity aforesaid, That the Kings chief Secre-  
tary being of the Degree of a Baron of the  
Parliament, shall sit and be placed above  
all Barons not having any of the Offices a-  
forementioned, and if he be a Bishop, that  
then he shall sit and be placed above all  
other Bishops not having any of the Offices  
before remembred.

7. And it is also Ordained and Enacted  
by Authority aforesaid, That all Dukes  
not afore mention'd, Marquesses, Earls, Vis-

E 4

counts,



CHAP. counts, and Barons, not having any of the  
 III. Offices aforesaid, shall sit and be placed  
 after their Ancientry as it hath been ac-  
 custom'd.

8. And it is further Enacted, That if  
 any Person or Persons which at any time  
 hereafter shall happen to have any of the  
 said Offices, of Lord Chancellor, Lord  
 Treasurer, Lord President of the Kings Coun-  
 cil, Lord Privy-Seal, or chief Secretary,  
 shall be under the Degree of a Baron of the  
 Parliament, by reason whereof they can  
 have no interest to give any assent or dissent  
 in the said House, That then in every such  
 case such of them as shall happen to be under  
 the said Degree of a Baron, shall sit and be  
 placed at the uppermost part of the Sack in  
 the midst of the said Parliament-Chamber,  
 either there to sit upon one Form or upon  
 the uppermost Sack, the one of them above  
 the other, in order as is above rehearsed.

9. Be it also Enacted by Authority afore-  
 said, That in all Tryals of Treason by Peers  
 of this Realm, if any of the Peers that  
 shall be called hereafter to be Tryers of  
 such Treason shall happen to have any of  
 the Offices aforesaid, that then they having  
 such Offices, shall sit and be placed accord-  
 ing to their Offices above all the other  
 Peers that shall be call'd to such Tryals,  
 in manner and form as is above mention'd  
 and rehears'd.

10. And

10. *And it is also Enacted by Authority aforesaid, That as well in all Parliaments as in the Star Chamber, and in all other Assemblies and Conferencies of Councils, the Lord Chancellor, the Lord Treasurer, the Lord President, the Lord Privy Seal, the Great Chamberlain, the Constable, the Marshal, the Lord Admiral, the Grand Master or Lord Steward, the Kings Chamberlain, and the Kings chief Secretary shall sit and be placed in such order and fashion as is before rehearsed, and not in any other place, by Authority of this Act.*

CHAP.  
II.

S E C T. I.

*Observations.*

1. **T**HIS Act is observable, being Enacted as it were by the King's single Authority, yet by the Preamble it seems to be only an Order, or Ordinance at most, and this upon Record in that House, for it doth not concern the *Commons*.

2. The *Lords House* is here call'd the *High Court of Parliament*, i. e. the highest Court of Judicature in Parliament, and so it is an Act by authority of the same, including the Kings.

3. It

CHAP.

III.

3. It is also (*Parag. 2.*) call'd the *Parliament Chamber*; and (*Parag. 8.*) the said House, not the *House of Lords*, or *House of Peers*, as it is now call'd.

4. Though this Act doth contain the Rules for Places, as the several degrees do fit in their distinct degrees, yet it doth not contain the intermixt Precedencies of the several Degrees, both in calling over the *House*, and at other Solemnities, as will be more exactly shewn in the local part.

5. In the 8th Paragraph the *Lord great Chamberlain*, *Constable*, *Marshal*, *Admiral*, *Steward*, and *King's Chamberlain* are omitted, because it is presum'd, that those Titles were never given to any under the degree of a noble Baron.

6. Here the Seat for the *State-Officers* (being not Barons) is call'd a *Sack*, but in all Records, where those Seats are mention'd, they are call'd *Wool-Sacks*, being stuff'd with Wool, to mind them of the Staple Commodity of the Kingdom.

7. The use which I make of this Act is to shew the several Titles of the Degrees of such as are mention'd therein, 2dly, the ordering of those Degrees, and 3dly, how this Act doth agree or disagree with the *Pawns* before, and subsequent to it.

*First*, The Degrees mention'd therein are four, viz. first, *Princes of the Blood*,  
2dly,

2dly, *Lords Spiritual*, 3dly, *Ministers and Officers of State*, 4thly, *Lords Temporal*. CHAP. III.

1st. The *Princes of the Blood* are said therein (*Parag. 4.*) to be, first, the King's Son, 2dly, the King's Brother, 3dly, the King's Uncle, 4thly, the King's Nephew, 5thly, the King's Brother's Son, 6thly, the King's Sister's Son, as in *Paragraph* the 1st and 4th.

2dly. The *Lords Spiritual* are said therein to be the Arch-Bishop of *Canterbury* and *Tork*, the Bishop of *London*, *Duresm*, and *Winchester*, and all the Bishops of both Provinces according to their *Ancientries*, *Paragraph 2, & 3.*

3dly. The *Ministers and Officers of State Ecclesiastical and Civil*, are (in the 2d and 4th *Paragraphs*) said to be the Vice-Gerent, and eleven more therein mention'd, of which I shall speak distinctly, *Paragraphs 2, 4, 5, 6, 8, 9, 10.*

4thly. The *Lords Temporal* are said to be those five Degrees mention'd in the seventh *Paragraph*, viz. *Dukes, Marquesses, Earls, Viscounts*, and *Barons*, of which I shall also speak more fully, and lower than to these Degrees the Act doth not extend.

5thly. This Act doth agree with the Method of the *Pawns*, in the placing of the



CHAP. the Princes of the Blood, as also of the  
 II. Bishops, but the *Pawns* do differ from the  
 Act concerning the Ministers and Officers  
 of State, for they meddle with them no  
 otherwise than they are annext to some  
 Spiritual or Temporal Degrees, but if they  
 are under the Degree of those Degrees  
 they have then only particular Writs of As-  
 sistance, as shall be shewn.

6. The Act doth not take notice of the  
 several Assistants of the *Long Robe*, viz.  
 the Lords Chief Justices, &c. But the *Pawn*  
 makes a Record of them also, and of their  
 Writs, and of their Precedencies, in rela-  
 tion to each other, of whom I shall speak  
 more particularly in the Thirteenth Chap-  
 ter.

7. This Act was made upon the dissoluti-  
 on of the Abbots and Priors, and that there  
 might be no more room for them in the  
*House of Lords*, whereas the two preced-  
 ing *Pawns* remaining still in the *Pettibag*,  
 (viz. of the 22 and 31 *Hen.* 8.) did place  
 them next the Bishops, now (their Abbies,  
 Monasteries, and Priories being dissolved)  
 they in this Act were excluded, as in all  
 future *Pawns* (only Queen Mary did ven-  
 ture to summon the Abbot of *Westminster*,  
 and the Prior of *St. John's of Jerusalem*)  
 but that being turn'd into a Deanry, and  
 this dissolved, they were as useless, as all  
 the

the others, the Ecclesiastical and Civil CHAP.  
Estate of this Kingdom being thereby re- IV.  
stor'd to its Primitive Constitution, as  
will be shewn.

CHAP. IV.

*A Description of the Degrees concern'd in  
this Act of Precedency.*

HAVING spoken of the *Pawns* (or *Digest of Writs*) of *Summons* in general) as also of the *Act of Precedency*, this having respect only to the *House of Lords* and other great Councils; those both to the *House of Lords* and *House of Commons*, this only to the Dignity of the Nobles, those not only to the Dignity and Degrees of Nobles, but also of the form and order of the Writs constantly enabling the Nobles to make a noble use of their distinct Degrees, that to the Places and Precedencies of such persons (whenever they meet in Parliament) (as by the King's favour may be summon'd) those to the persons actually summon'd, wherein these *Pawns* (much ancients than the Act) were doubtless a good Guide to the framing of this Act, I think it convenient, before I proceed to particularize their Writs (for the Titles must be

CHAP. be fix'd before the Writs can be perfected)  
 IV. to take a view of the order of such Degrees as are mention'd in the *Pawns*, but better methodiz'd in the Act) *viz.* 1<sup>st</sup>, of the King's Counsellors, (comprehending all the following degrees and others) 2<sup>dly</sup>, of the Princes of the Blood (consisting of seven Degrees) 3<sup>dly</sup>, of the grand Officers and Ministers of Church and State, (consisting also of seven Degrees) some of them being of a mixt nature, *viz.* Spiritual, Ecclesiastical, and Civil,) and 4<sup>thly</sup>, of the Temporal and Hereditary Nobility, (consisting of five intire Degrees,) and this I shall do by a distinct account of them, for the clearer understanding of the Writs and Persons concern'd in them.

And this I do to entertain the Readers time, whilst the Clerk and others are busied in Drawing, Writing, and Ingrossing the Writs, and carrying them to be Seal'd, and then disposing them to the several persons and places to whom and where they are to be deliver'd, which will admit of as much or more time than may be spent in reading these following Discourses, intended for the reviving of the memory of some, and improving the knowledge of others, concerning the Persons to be imploy'd in the *House of Lords*, as also concerning the Writs for the *House*  
 of

of *Commons*, and herein (in this First Part, CHAP. as to the *House of Lords*) I shall be guided V.  
by the ancient Method of the King's Warrant, the *Pawns*, and the *Act of Precedency*; And first of the King's Counsellors.

---

S E C T. II.

*Of the Kings Privy-Counsellor.*

AS to the Original of this Officer and *Obs. I.*  
of the reason of its different Orthography: sometimes beginning the second Syllable with C. or S. and of its affinity to the old *Roman Comites Consiliarij*, I shall refer them to my annotations, and here only shew how that by the words in the Kings Warrant, by the *Pawns*, and by the said Act of 31. *Hen. 8.* (all which I have recited at large) we may clearly see that the word *Council*, doth consist of the Persons of the best Quality and Abilities, to give Counsel and Advice to the King. And when such a number as the King thinks fit to select for that purpose do meet in a Body Conjunctively,

This



CHAP.

V.

2. This Council is called the *Kings Council*, and also the Persons therein are called the *Kings Council*, (yet more properly Counsellors) and to confirm this, the Kings Warrant saith: *To Our Right Trusty and well beloved Counsellor Sir Edward Hyde Knight Chancellor of England*, (here 'tis Personal) then follows, *Whereas We by Our Council*, this intimates a Body of Persons or Counsellors Congregated.

3. The Writs in the *Pawns* sometimes do add to the Person to whom the Writ is sent (*Conciliario suo*) and sometimes not, but these following words are constantly in every Writ, (*Quia de advizamento & assensu Concilij nostri*, which is more large than what is in the Kings Warrant by inserting the words (*Advice and Consent*) of *Our Council*.

4. The said Act saith in the Preamble, *Forasmuch as in all great Councils and Congregations of men* (which explains Councils) *and then, that there may be no displeasure or let of the Council* (in respect of Precedency) *therefore* (for the better reputation of his Counsellors and other Subjects, doth Enact, &c. And in the 3<sup>d</sup>. Paragraph, the President of the Kings Council is there also named, by which we understand the Kings Privy-Council (of which he is President) to be a Council

cil distinct from other Councils where there are Presidents; 2<sup>ly</sup>. And from Parliaments (where there are Speakers instead of Presidents) anciently called the Great Council, and so it is still, though the name is alter'd to Parliament) and 3<sup>ly</sup>. From other Assemblies and Conferences of Councils, (which are the words in the last Paragraph of that Act.)

5. And therefore this Council here meant in this *Warrant, Pawn, and Act*, is that which we now call the Kings Privy Council. Tis true the King hath several other Councils, (as that of *Wales*, and in the North, and others both here and in Foreign Plantations) but this *Privy-Council* is the Supream standing Council, out of which sometimes the King thinks fit to select some few for the more safe, secret and easie dispatch of Affairs.)

6. Which by the *Jews* were called *Cabala*, but by us properly Comitties. However this *Privy Council* is the standing Council of the Kingdom, giving Forms and Being to all other Councils, especially what concerns the Beginning, Continuing, and Ending of any Parliament, and yet this *Council* or *Parliament* is a greater Council than that, and of greater Authority when it is in being, and therefore anciently, as I said, call'd *Magnum & Publi-*

F

cum

CHAP. *cum Concilio*, and this *Privatum Concilium*.  
IV.

7. This Great and publick Council consists of the King, Lords Spiritual, Lords Temporal, (*viz.* of such to whom the King sends Writs of Summons) and of Commons (*viz.* of such as the People think fit to Elect by vertue of the Kings Writs.) But this *Privatum* or *Privy Council* are of such only as the King Elects out of the Degrees next mentioned, or out of other Degrees, as he shall best judge of their Abilities for it. Yet very often Parliaments have perswaded Kings to make Alterations in *Privy Councils*, both as to Persons and Number.

8. The number of the Persons of this *Privy Council* are in a manner indefinite, because it depends upon the Kings pleasure. But anciently it consisted only of 12. since that they have increased and varied, and in the beginning of this Parliament they were 29. but before the end of it above 40. The number of the *Great Council* or *Parliament* is partly indefinite, (in the *Lords House*) and partly circumscrib'd, (and so in the *Commons House* (as will be shewn,) for these anciently had not above 2. or 300. but this Parliament had in both Houses above 700. (as will be shewn.)

9. This

9. This very name of *Council* and *Counsellors*, (as they are or ought to be) is much more ancient than the *Consuls* of *Rome*, which had their name *a Consulendo*, for their abilities in giving Counsel, and possibly borrow'd from the name of *Neptune* the God of the Sea, who was call'd also *Consiliorum Deus*, so as probably of their two yearly *Consuls*, one was chosen for the Affairs of the Sea, (as Admiral) the other for the Affairs of the Land, as General, however it is observable that the Title of *Consul* or *Counsellor* did continue 1046. years in that Empire, deducting three years interposition of the *Decemviri* (or 10 Governors,) and 4 years of *Tribunes* (or 3 Governors,) and 12 years of *Tribunes* consisting of 4 Governors, and 30 years by *Tribunes* consisting of six Governors, and 5 years under an *Anarchy*, and 2 years wherein *Tribunes* had a *Consulary* power, and then the Government again slid into *Consuls*, so as deducting these 56 years, they continued intire under that *Consulary Tutelage* 990 years: and as that way of Government was useful to *Rome* whilst it was a Common-wealth, so we see when *Julius Cæsar* took on him the *Roman* Empire, and turn'd it to a Monarchy, he did not discard the *Consulary* way of managing Affairs, nor did his

CHAP.  
IV.



CHAP. Successors; so as they continued full 540.

IV. years after *Julius Cæsar* in prosecution of that Monarchical Empire, till the Papal Interests had supplanted the Western Empire, and made General Councils, tending rather to the dis-uniting of Princes, than for uniting Religion, as was pretended, and instead of Consuls, erected a Consistory and Conclave, the last being only new names for a Council.

10. This is certain, that Councils or Counsellors or Consuls are of that nature, that no Government can subsist without them, though by different Appellations; and I read of few or none in all the *Roman Stories*, who had the Title of Consul conferr'd on him, but those who either by their Wisdom had given such good Counsel as prov'd prosperous to the Empire, or had done such eminent Services, that from such Heroick actions the Emperors and Senators derived Arguments of their Abilities to Counsel, as having actually done, and from that experience might Counsel what was fit to be done, and thereupon formerly call'd Consul, and now Counsel or Counsellor, and fit to sit both in *Privy Council* or *publick Parliament*.

11. This Honour was still founded in merit; by the estimation of Judgment, Experience, or Resolution; for what they had  
 Advised,

Advised, Counsell'd, or Successfully acted, CHAP. IV.  
and therefore they were seldom made *Viri*  
*Consulares* till they were 43. years of age,  
and for such as had been thus Serviceable to  
the Empire, if a Consulship were not  
void, yet they had always some Offices or  
Rewards in store which they conferr'd  
proportionably to their Services; and such  
Rewards were purposely reserv'd for such  
as had either given good Counsel, or fol-  
lowed it, by venturing their Lives and  
Fortunes for preservation of the Empire,  
and some such Orders were made in our  
*Edw. the 3ds.* time, and confirmed by ma-  
ny Successive Councils, as may be read in  
*Sir Edw. Coke*, and Judge *Dodridge*.

12. There are also other lesser Councils,  
(besides what I mentioned before) as the  
Common Council of *London*, (and the  
like though not for number in other Cities)  
(which relate only to the Government of  
those Cities and Counsellors at Law,  
and the meeting (of such degrees as  
are qualified for that purpose) are called  
in some of the Inns of Court, Parlia-  
ments, which relate only to matters of  
Law and Government of their Societies,  
and Councils of War and Trade, and ma-  
ny of these are great Assistants and often  
employ'd both in the Privy and publick  
Council of the Kingdom.

CHAP.

IV.

13. I have been the longer on this subject because all the Degrees hereafter mentioned are Members either of the Kings *Privy Council* or the *Parliament*, or both, yet their Writs of Summons are not singly *Conciliario*, but by annexation to those Degrees which are capacitated to be Counsellors, but the Degrees mentioned in the Act (of whom I treat next) are constantly of the *Privy Council* or *Parliament*; but there are only some of the *Parliament* which are of the *Privy Council*, by which means matters are more easily manag'd between the *King*, the *Privy Council*, and the *Parliament*, the one constantly Sitting, the other Summon'd only upon Emergencies of State, which latter being thus Constituted, it may well be call'd *Magnum Concilium Animarum*, or a Council of Souls rather than Bodies, so as the King may say with *Cicero*, *Conscientia conciliorum meorum me Conso-latur*, i. e. The knowledge and Conscientious concurrence of minds or Souls, (for so *Conscientia* sometimes signifies) and integrity of my Counsellors are my Consolation.

14. In the first Chapter I have shewn the List of the *Privy Council*, who gave their Advice (as tis said in the Warrant) for Summoning the *Parliament* to begin the 8th. of May, 1661. and all but one of them had Summons, and did sit in the  
Lords

*Lords House*, or were Elected for the *Commons House*, yet it may be observed that *Prince Rupert* was Summon'd as Duke of *Cumberland*: The Duke of *Laderdale* (being a *Scotch Lord*) was not Summon'd till he was made Earl of *Gilford* some years after: The Duke of *Ormond* was Summon'd as Earl of *Brecknock* in *Wales*, the Lord *Anthony Ashly Cooper* was chosen a Burgess of *Dorsetshire* for the *House of Commons*, but his Writ was time enough to sit in the *Lords House*, Sir *Charles Berkley Knt.* was chosen a Burgess in *Somersetshire*, and soon after made Lord *Fitz Harding*, (an *Irish Title*) and so continued in the *House of Commons* to his death, Sir *George Cartret Knt.* and Bar. was chosen Burgess for *Portsmouth*, and continued in the *Commons House* to the end of that Parliament, Sir *Edward Nicholas Knt.* was Summon'd to the *Lords House*, but Sir *William Morrice* was chosen Burgess for *Plymouth*, and continued with the *Commons* to his death. Now I proceed with the chief of such as are for the most part of the Kings *Privy Council*, (mention'd in the Act) and do with others of lesser Degrees Constitute both the *Privatum* and *Magnum concilium* or Parliament.



## S E C T. III.

*Of the Princes of the Bloud.*

*Obs.* I. **I**N this Act the King by vertue of his Kingly Office (for so is the word in the Act) and Prerogative, having power to give such Honors, Places, and Reputation to his Counsellors, and other his Subjects as shall seem best to his most Excellent Wisdom, (especially to his Council or Parliament) gives the Priority of all Places and Precedings to these following seven Degrees of the Bloud-Royal, *viz.* (1.) to the Kings Son, (first entituled Prince of *Wales* in the 11. *Edw.* the 3<sup>d</sup>.) (2.) to the Kings Children, (3.) to the Kings Brother, (4.) to the Kings Uncle, (5.) to the Kings Nephew, (6.) to the Kings Brothers Son, (7.) to the Kings Sisters Son, (all of these have Title of Earls or Dukes) and any one of these (where others in priority are wanting) are to be accounted the first in their own seven Degrees, and are Prior to the 5 following Degrees, which comprehend all the Lords Temporal, and these, as they happen to be more or less, have their distinct Writs, as also their proceedings to  
all

all or any other Degrees, either Spiritual CHAP. IV.  
or Temporal, Official or Hereditary, of whom I shall speak more in the following Sections and Chapters; but if there be a failour of any of these, or that they are absent from Parliaments in respect of Minority or otherwise, then some of the Lords Spiritual have precedency to the Lords Temporal, (as will be shewn,)

All that were Summon'd of this Degree to this Parliament, were only the Duke of *York*, the Kings Brother, and Prince *Rupert* his Sisters Son, *Sect. Cap. 2. Fig. 1. and 2.*

---

S E C T. III.

*Of the Kings Vice-Gerent or Vicar-General.*

THE words of the Act are, *That* Obs.  
*forasmuch as the Kings Majesty is justly and lawfully Supream Head on Earth under God of the Church of England, and for the good Exercise of that most Royal Dignity and Office (viz. of Supream Head of the Church) hath made Thomas Lord Cromwel (who was not only Lord Privy Seal (as in the Act is exprest) but Master of the Kings Jewel-House, Baron of Okham,*

CHAP. ham, *Knight of the Garter, Earl of Essex,*  
IV. and *Lord Great Chamberlain,* )

2. His *Vice-Gerent*, ( for the good and due administration of Justice to be had in all Causes and Cases touching the Ecclesiastical Jurisdiction, and for the Godly Reformation of all Errors, Heresies, and Abuses in the said Church, so as he enjoy'd Dignities and Offices of a mixt nature, Ecclesiastical and Civil, and thereby was placed above all the Lords Spiritual, and above all the Lords Temporal of the following Degrees, and not only in respect of his Temporal Dignities, but as *Vice-Gerent* in Ecclesiasticals ) had power given him, and to his Successors in that Office, to sit above those Degrees in Parliament, and to have a Voice and Liberty to assent or dissent as other Lords.

3. But there hath been none imploy'd in this Office since that time, ( as need- less I conceive ) for the Archbishops of *Canterbury* and *York* in their Provinces, and the Bishops in their Diocesses have ever since in a manner suppli'd the Duty of that Office under their own Titles and by their own Jurisdictions, especially the Archbishop of *Canterbury*, who is rankt in the next place in this Act, and in all *Pawns* ( except this ) where some of the Bloud Royal are not exemplars.

SECT.

Of the Arch-Bishops and Bishops.

**T**HE Title of *Bishop* is more ancient than the Title of *Christian*, as I shall shew in the seventh Chapter; however it became more general after Christianity spread it self.

Obs.  
I.

The word comes from the *Greek*; *Επίσκοπος*, i. e. one who is, in *Doctrinam & mores sacros gregis Inspector*, and when Bishops grew numerous it was thought fit to place one to look after them, and he had the addition of *Archos*, i. e. *principals*, and so call'd *Archi-Episcopus*, or Arch-Bishop, having a certain number of Bishops and their Diocesses reduced to his Province or Care, so that the Arch-Bishop of *Canterbury* (with his own Diocess) hath twenty two Diocesses, or Bishopricks (of the twenty six) within his Province, and the Arch-Bishop of *York* hath with his own (four) which makes in all twenty six, (besides the Bishop of *Man*, who hath no Writ of Summons.) Anciently these Arch-Bishops and Bishops, with Abbots, Priors, Deans, Arch-Deacons and Proctors (making the two Convocation-houses) were summoned to appear two days before the Temporal Lords,

II.

III.

IV.



CHAP. Lords, but since *Henry* the Eighth's time,

IV. (when Abbots and Priors were excluded) the Bishops are summon'd to meet the same day that the Parliament begins, but as Convocation-houses, they are not summon'd to meet at Parliament till two or three days after the Lords Spiritual and Temporal are met and sitting in Parliament, and those two Convocation-houses are seldom Adjourn'd, Prorogu'd, or Dissolv'd in three or four days, and sometimes longer, after the two *Houses of Lords* and *Commons* are Adjourn'd, Prorogu'd, or Dissolv'd.

V. These Arch-Bishops and Bishops (considering them upon a Baronial account distinct from the Convocations) are entred in all *Clause Rolls* and *Pawns* next the Blood Royal (except when there was a casual interposition (as this last of *Vice-gerent*) and their places distinctly set down, as in this Act: *viz.* the Arch-Bishop of *Canterbury*, then the Arch-Bishop of *Tork*, and the other according to Seniority, or *Antientry* (as the word of the Act is) till the Bishops of *London*, *Durham*, and *Winchester*, were (as by this Act) fix'd in their Precedencies to the other twenty one, and yet there is another method of Precedenciës, us'd in the *Lords House*, and in all Solemnities, by way of counter-changing

changing of Precedencies between the Lords Spiritual and Temporal, (as will be shewn.)

CHAP.

IV.

These twenty six enjoy their Offices of Bishops upon a Spiritual and Ecclesiastical account, and therefore are call'd *Lords Spiritual*, their *Ecclesiastical* serving in *ordine ad piritualia*.

VI.

These, for many Ages did manage the Offices of *Chancellor* and *Keeper* of the *Great Seal*, also of *Treasurer*, *President*, *Privy-Seal*, and *Secretary*, (of which I shall speak more) but since *Henry* the Eighth's time these five Offices have been distinctly manag'd by *Laicks*, of the chiefest quality and merit, and the Bishops in a manner circumscrib'd to the Jurisdiction of their respective Diocesses, which are of a kind of mixt nature, consisting of Spiritualities and Temporalities.

VII.

In the *Lords House* they have almost equal Priviledges with the Lords Temporal, except in matters of Blood, when in respect of their *Canons*, they commonly withdraw themselves, appointing *Proxies* and entering *Protestation*, but these Priviledges are not Hereditary, (like the Temporal Lords) but meerly Successive, and their Writs are somewhat of a different Nature from those to the Lords Temporal, (in point of extent concerning the Convoca-

VIII.

tion.

CHAP. tion-houses) which do make a kind of a  
 IV. Parliament annext to a Parliament, (of  
 which I shall speak more at large.) But how  
 the Bishops were Summon'd may be read  
 in the seventh Chapter.

## S E C T. VI.

*Of the Lord Chancellor, or Lord  
 Keeper.*

*Obs.* **T**HIS great Officer being not only re-  
 cited in this Act, but having a pe-  
 culiar Writ of Assistance in this and other  
*Pawns*? which the next Ten Officers follow-  
 ing have not (in respect of their Offices)  
 I shall discourse more fully of him so soon  
 as I have given a short view of the Ten re-  
 maining to be spoken of.

*Edward Hyde, Baron Hyde, and Lord  
 Chancellor, was Summon'd by Writ, Feb.  
 18. 1661. See Chap. II.*

## S E C T. VII.

*Of the Lord Treasurer of England.*

*Obs.* **T**HIS Officer being joyn'd also in this  
*Pawn* to the Earl of Southampton  
 (then Lord Treasurer) and in former  
*Pawns* to other Degrees, and being intend-  
 ed to be discours'd of in the fourth *Exem-  
 plar,*

plar, and in the fifth *Section* of the Barons CHAP.  
of the *Exchequer*, I shall defer its enlarge- IV.  
ment to those Chapters.

*Thomas*, Earl of *Southampton*, Lord  
Treasurer of *England*, was Summon'd by  
Writ, *Feb.* 18. 1661. See Chap. II.

S E C T. VIII.

*Of the Lord President of the King's  
Council.*

**T**HIS Officer from the time of King *obs.* I.  
*John* was call'd *Principalis* and *Ca-*  
*pitalis Consiliarius*, and so continu'd till  
Queen *Elizabeth's* time, and after not us'd,  
till once in King *Charles* the firsts time, and  
ever since, to the end of this Parliament,  
the Lord Chancellor or Lord Keeper hath  
supply'd the duty of that Place, though not  
the Title; the difference of granting them  
was, that one was always by Patent, and the  
other only by delivery of the Great Seal.

2. There are also other Lord Presidents  
which sit in the *Lords House*, viz. the  
President of *Wales*, and President of the  
*North*, but being not mention'd in this  
Act, and the latter not sitting in this Par-  
liament, I refer them to my *Annotations*,  
as also other Presidents of lower Degrees,  
as of Colleges, &c.

S E C T.



*Of the Lord Privy-Seal.*

*Obs.* **I**N *Edward* the Third's time, and long after, this Office was call'd Keeper of the Privy or Private Seal, distinguishing him from the other, call'd the Keeper of the Great Seal; afterward he was call'd Clerk of the Privy-Seal, (Clerk being then a Title of Eminency) and *Gardien del Privy-Seal*, and in 34 *H.* 8. Lord Privy-Seal.

2. He hath his Office by Patent, but the Keeper of the Great Seal (as I said) only by delivery of that Seal, and 'tis very probable that this Office was in imitation of that which was us'd by the *Romans*, the Officer whereof was call'd *Comes privatorum*, and as *Cassiodore* calls him, the Governour of the King's private Affairs.

3. Whilst the *Court of Requests* was in use he was also call'd the Master of it, being Master or Superiour to the Four Masters of *Requests*, who were to receive, peruse, and present all Petitions to the King, or to the Parliament in time of Parliament, and direct the Petitioners in the right way of proceeding in their business, and for want of this direction many men are ruin'd  
by

by crafty and unskilful directors, and the CHAP.  
Parliament troubled with needless appli- IV.  
cations; for I conceive this Court was  
plac'd (as will be shewn) between the  
*House of Lords* and *House of Commons*  
for the Masters to sit there in time of Par-  
liament, as Tryers of Petitions to either  
House, and were to judge, whether the mat-  
ter was proper for either House, or any o-  
ther Court, which doubtless did take off a  
great expence of time from both Houses, and  
from intangling them in matters which  
were properly relievable in other places.

4. There are three sorts of Seals which are  
chiefly us'd for publick Affairs; two of them  
pass under the names of Privy or Private,  
the other, the Great or Broad-Seal: yet for  
a clearer distinction, one of the two is call'd  
the Privy Signet, and hath four Clerks to at-  
tend its Office, the other the Privy-Seal and  
hath also four Clerks to attend its Office;  
and the third is call'd, (as I said) the Great  
Seal, and hath properly six Clerks to at-  
tend it, but increas'd to many more. The  
Privy Signet is under the Custody of the  
Chief Secretary of State; the Privy Seal,  
under the Custody of the Lord Privy Seal;  
and the Broad Seal under the Custody of  
the Lord Chancellor, or Lord Keeper, so  
as most matters which concern a declara-  
tion of the King's pleasure in writing, do

CHAP. take their rise from the Privy Signet, and  
 IV. from thence transmitted to the Privy Seal, and from thence to the Great Seal, to receive its determination.

5. But to pass by all private or publick Matters about which these three Officers are concern'd, this is certain, that the Clerks of these three Offices (excluding none) in some form or other are concern'd in the Warrants and Writs, &c. for the Summoning every Parliament.

6. When the chief Officer of this Office did pass under the Title of Keeper, or Clerk of the Privy Seal, most of them were Ecclesiasticks, yet having this Office, he had his Writ of Summons and Place in the Lords House, as may be collected from the Rolls of 15 *Edw. 3.* when *Sir William Keldsly* was Keeper of the Privy Seal, and 20 *Edw. 3.* when *Mr. Jo. Thoresby* was call'd Clerk of the Privy Seal, and from 28 *Edw. 3.* when *Sir Michael of Northumberland* was Keeper of the Privy Seal, ( *Sir* being an Epithite given in those days to the Clergy ) and still in use in the Universities for Batchelors of Arts ) and from 11 *R. 2.* and 1 & 2 *H. 4.* when *Sir Richard Clifford* was Keeper of the Privy Seal, and these had Writs, and from 3, & 4 *H. 6.* a Writ was expressly sent *Magistro Willielmo Alrevill Custodi privati sigilli,*  
 and

and from that time ( the *Rolls* and *Pawns* CHAP. IV. which speak of them are dormant or wanting ) to the *Pawn* of 30 *H.* 8. when the Writ to *John*, Earl of *Bedford*, is there entred *Custos privati sigilli*, and he being so in 31 *H.* 8. ( when the Act was made ) his Precedency was settled ( as is therein shewn ) and there first intituled Lord Privy Seal, and so this Officer hath continued in that additional Title of Lord to this time. However in the *Latin* Writs he is styled only *Custos privati sigilli*, without the addition of *Dominus*, and so in the very *Pawn* of that year; and in 36 *H.* 8. and is no more mention'd in any of the *Pawns*, till 6 and 7 *Edw.* 6. when *John*, Earl of *Bedford*, was still *Custos privati sigilli*, and from that time those *Pawns* which are extant do not mention that Officer, till 1 *Car.* 1. when *Edward*, Earl of *Worcester*, was entred *Custos privati sigilli*; and 15 *Car.* 1. when *Henry*, Earl of *Manchester*, was *Custos privati sigilli*, and had their Writs; but in this *Pawn* of 13 *Car.* 2. none is mention'd, and yet the Lord *Roberts* was then Lord Privy Seal, so as it was an omission of the Clerks, as I conceive.

7. Most of the Keepers of the Privy Seal ( as I have observ'd ) were Ecclesiasticks before 30 *H.* 8. but since that time this Office hath been conferr'd only upon such



CHAP. as were Temporal Lords, above the degree  
IV. of Barons, and not under.

8. This great Officer hath also an apartment near the Lords House, for his accommodations, and sometimes us'd for the Lords Committees, as will be shewn.

9. These four last mention'd are plac'd in this order in the *Lords House*, whether or not they be of any of the Noble Degrees. *John*, Lord *Roberts*, of *Truro*, Lord Privy Seal, was Summon'd by Writ of *Feb. 1661*. See Chap. 2.

#### S E C T. X.

*Of the Lord Great Chamberlain of  
England.*

THE five foregoing Officers of State, viz. *Vice-Gerent*, *Chancellor*, *Treasurer*, *President*, and *Privy Seal*, were anciently chosen out of Ecclesiastick Degrees, but those which I am now to speak of (except the Secretaries, being for the most part also Clergy-men) were chosen out of Laicks, persons of the greatest Merit, Fortunes, or Families, and had their Places as they were annex'to the Degrees of the Nobility.

2. The learned *Institutor* saith, that if the King gave Lands to a man, to hold of him  
to

to be Chancellor of *England*, Chamberlain CHAP.  
of *England*, Constable of *England*, Mar- IV.  
shal of *England*, or High Steward of *Eng-*  
*land*, &c. these Tenures were call'd *Grand*  
*Sergeanties*, and these and such like *Grand*  
*Sergeanties* were of great and high Juris-  
dictions, some of them concerned matters  
Military in time of Wars, and some servi-  
ces of Honour in time of Peace.

3. This Officer ever was, and still is in  
great Veneration and Use, and I conceive,  
though now most of his Employments are  
about the King's Court, yet the word *Ca-*  
*merarius*, which we call Chamberlain, was  
like to that among the *Romans*, call'd *Co-*  
*mes Ærarij*, and had such relation to the  
Treasury of the Kingdom, as the Cham-  
berlains of *London*, and the Chamberlains  
of the Palatines of *Lancaster* and *Chester*  
have to their distinct Treasuries (of which  
I shall speak more fully in order (as also  
in my Annotations) and I apprehend that  
these great Officers need not Writs, be-  
cause it is requisite these should be always  
attending on the Kings Person; but when  
they are otherwise commanded to his Im-  
ployments in their Offices, and there is  
scarce any of them, especially this, but  
are so glutinated to some Noble Person,  
that it cannot be said whether the Writ  
be more in respect of the Office, or

CHAP. Person that Manageth that Office.

IV.

4. This Office was enjoy'd for many Successions by the Earls of Oxford (till *Richard* the Second by violence took it away) the *House of Commons*, 1 *H.* 4. pray'd the King, that it might be restored to *Richard*, then Earl of *Oxford*, being (as it was then alledged) his due Inheritance, yet in 1 *H.* 6. that King granted it to the Duke of *Glocester*, the 36th of *Hen.* 8. the Writ was to *Edward*, Earl of *Hertford*, *Magno Camerario Angliæ*, and 1 *Edw.* 6. to *John*, Earl of *Warwick*, *Magno Camerario Angliæ*. Afterwards, by a Match, it was hereditated to the Family of the *Berties*, who, after some disputes about the Title, did sit in Parliament, in the time of *Charles* the First and this Parliament, as Earl of *Lindsey*, and Lord great Chamberlain of *England*, whereby one part which his Lordship is to act (as his Predecessors had done) is to take care, that all things be provided in the *House of Lords* that may suit with the Grandeur and Conveniencies of the Persons who are there to be imploy'd, and for that and other purposes he hath also an Appartment near the Lords House, as will be shewn.

5. *Montague* (*Bertie*) Earl of *Lindsey*, Lord Great Chamberlain of *England*, was summon'd by Writ, *Feb.* 18. 1661. See *Cap.* 2.

SECT.

## SECT. XI.

*Of the High Constable of England.*

[T may be well suppos'd, that *Constabularius Angliæ*, was instead of *Comes stabuli* amongst the old *Romans*, which was commonly taken for the Master of the Horse to the *Emperour*, and is a Place still of great Honour in most parts of *Europe*; but I conceive he was rather call'd *Comes stabuli*, as an Officer or Office of refuge, for so *stabulum* also signifies. However for many Ages this Office was held in *Grand Sergeanty* by those persons hereafter nam'd, but in 12 *H.* 8. it became forfeited to the Crown, and since that never granted to any Subject, but *pro hac vice*, at some Solemnities, as at the Coronation of King *Charles the Second*, in April 1661, a little before this Parliament, *Algernoone Piercy*, Earl of *Northumberland*, was made High Constable of *England*, *pro hac vice*, for with the Ceremony of that day his Office ended; and *Henry the Eighth*, I conceive, did enter it in the Act of 31 of his Reign, that in case there should be any use of this Officer, when any such Solemnity happen'd, in time of Parliament, his place might be known without dispute.



CHAP. 3. Before the 13<sup>th</sup>. of Henry the 8<sup>th</sup>. in  
 IV. some respects it had a greater power than  
 the *Earl Marshal*, and in others equal to  
 it, and so the extravagant parts being  
 taken away, the rest fixt in the *Earl Mar-*  
*shal*, (of whom I shall speak next) how-  
 ever it hath left a name of great honor  
 and use; those of Honor are the Constable  
 of *Dover*, &c. those of Use are the high  
 Constables and Constables disperst in all  
 parts of *England*.

4. Whilst this great Officer was of con-  
 stant use, he was constantly summon'd to  
 Parliaments, viz. 50. E. 3. *Thomas de*  
*Woodstock*, Comes de *Buck*, *Constabularius*  
*Angliæ*, and so that 1. 3. and 4. Ric. 2.  
 & *Thomas Dux Glostriae*, *Constabularius*  
*Angliæ*, 17. R. 2. and the 1<sup>st</sup>. of Hen.  
 the 4<sup>th</sup> Henry Percy Earl of *Northumber-*  
*land* Constab. *Angliæ*, and the 2<sup>d</sup>. of  
 Hen. the 5<sup>th</sup>. and 1. H 6. Summons to  
*Humphrey* Duke of *Gloster* Const. *Angliæ*,  
 and to *John* Duke of *Bedford* Const. *Ang-*  
*liæ*, 2. H. 6. and from thence again to  
 the Duke of *Buckingham* Const. *Angliæ*,  
 but from thence to the 20. of Hen. the 8.  
 there are no *Pawns*, as I said, to guide  
 us to the knowledge of such as were  
 summon'd to the intervening Parliaments,  
 but it appears by other Records that in  
 the 13<sup>th</sup>. of Hen. the 8. this Office of  
 Con-

Constable of *England* was turn'd into an *CHAP.*  
*hac vice*, and so only granted upon the *IV.*  
 Solemnity of *Coronation*, and thereupon is  
 not mention'd in any following *Pawns* to  
 this time, or was of any use in this Par-  
 liament.

SECT. XII.

*Of the Earle Marshal of England.*

**T**His great Officer hath not so great  
 a Latitude of power as the Con-  
 stable of *England* had, yet he hath un-  
 der his Jurisdiction the Care of the Com-  
 mon Peace of the Land, in deeds of Arms  
 and matters of War, (when it happens  
 in Forraign or Domestick parts) in most  
 of which he is guided by the Civil Laws,  
 and yet not to do any thing repugnant to  
 the Common Laws. In times of War he is  
 more absolute, in times of Peace less: this  
 mane of Marshal ('tis very probable) had  
 its Original from *Mars* the *Romans* God of  
 War, and was the same which they call'd  
*Comes Militum*.

2. However with us this Great Offi-  
 cer had and hath several Courts under his  
 Jurisdiction; viz. the Court of *Chevalry*  
 (now almost forgotten) and the Court of  
 Honor

CHAP. Honor (now quiet layd aside) but the *Sedes*  
 IV. *Mariscalli* or Court of *Marshalsee* is still in  
 being (where he may sit in Judgment a-  
 gainst *Criminals* offending within the verge  
 of the Kings Court) and the chief Officer  
 under him is call'd the *Knight Marshal*.

3. As also the Herauld Office or Col-  
 ledge, where when doubts arise, con-  
 cerning Descents, Pedegrees, Escutcheons,  
 &c. he determines them; this was Incor-  
 porated by *Ric.* the 3<sup>d</sup>. and many prive-  
 ledges added by *Philip*, and *Mary*, 4. and 5.

4. Heralds amongst the old *Romans*  
 were a certain Order of Priests, (call'd  
*Faciales*) and so term'd because *Bello pa-*  
*ceq; faciendo apud eos jus erat pronuntiare,*  
*&c.* they were also call'd *Caduceatores*,  
 (from a little wand, which they carried)  
 whereon was fixt two wings to represent  
*Mercury*, (the nimble Messenger of War) &  
*quod Contentionem & Bella Cadere facerent.*)

5. This Office or Colledge consists of 3  
 Regulators of Arms, Ceremonies, Pedegrees,  
 and Descents of Nobility and Gent-  
 ry; the first is call'd *Garter Rex Armorum*  
*Principalis*, chief King at Arms, and is al-  
 so an Officer to the Sovereign, and Knights  
 Companions of the most noble order of the  
*Garter*: the 2<sup>d</sup>. call'd *Clarentius* also King  
 of Arms, but his Jurisdiction is only on the  
 Southside of *Trent*; The 3<sup>d</sup>. call'd *Norray*,  
 also

also King of Arms for the Northside of **CHAP.**  
Trent ; these two being confin'd, but Gar- **IV.**  
ter not confin'd.

6. Besides these, there are 6 more properly call'd Heraulds, *quasi Honorem tenentes, Hæredes Aulæ dicentes*, such as are able to give an account to the Court, of *Heyres to Families*, and these have distinct Titles distinguishing their Employments, *viz.* 1. York, 2. Lancaster, 3. Somerset, 4. Richmond, 5. Chester, 6. Windlesour.

7. And there are also 4 Under Graduates call'd *Pursevants*, or such who with readiness do pursue the Commands of their Superior Officers, (properly in Marshal Causes) and therefore call'd *Pursevants at Arms*, to distinguish them from other *Pursevants* or Messengers from other Courts; and these 4 have also 4 distinct Titles. *viz.* Blew mantle, 2. Rougecross, 3. Rouge-Dragon, 4. Portcullis; but of the Earl Marshal, and Heraulds, I shall speak more as they are employed in Parliamentary Ceremonies.

8. There is no doubt but these Earls Marshals have for many ages sat in Parliaments, *viz.* the Duke of Norfolk, Marshal of England, was summon'd 15 Ed. 2. But 11 R. 2. the Title of Earl Marshal of England being by Patent granted to Thomas de Mowbray, Earl of Nottingham, and entail'd on the Heirs Males of his Body, which failing,  
yet



CHAP. yet the Title of *Mowbray* descending on  
 IV. *Thomas Earl of Arundel*, *King James* did  
 by *Pattent* make him *Earl Marshal* for  
 life, and he was Summon'd to *Parliament*  
 by both Titles, but he dying, *Thomas Earl*  
*of Arundel* and *Mowbray* Grandson and  
 Heir to the said *Thomas* had no *Writ* pro-  
 vided for him, in *Feb.* 1660 when this  
*Pawn* was made, being then suppos'd to  
 be a *Lunatick*, and upon that account kept  
 close at *Padua* in *Italy*; but soon after by  
 the Solicitation of *Henry Howard* (next  
*Brother* and Heir to the said suppos'd *Lu-*  
*natick*) the Dukedom of *Norfolk* was re-  
 stor'd after a long Attainder, and by Act of  
*Parliament* settled on the said *Thomas* the  
 Grandson, and the said *Henry* being soon  
 after created *Earl of Norwich*, did manage  
 the Office of *Earl Marshal*, and had a  
*Patent* for the same from this present *King*  
*Charles*, therein settling this Office upon  
 him and the Heirs Males of his Body, with  
 a large Intaile for want of such Issue to the  
 next Heir Male of that *Noble Family*. So  
*Henry* was Summon'd about the middle of  
 this *Parliament* as *Earl of Norwich*, with  
 the Title also of *Earl Marshal*, and *Duke*  
*Thomas*, dying at *Padua* about the end of  
 this *Parliament*, *Henry* the Brother suc-  
 ceeded in the *Dukedom*, and sat as *Duke* of  
*Norfolk*, and *Henry* the Eldest Son of the  
 said

said *Duke Henry*, being then intituled *Earl of Arundel*, did sit as *Earl of Arundel* and *Lord Mowbray*, so as that Title of *Earl Marshal* is in *Duke Henry*, and the Title of *Mowbray* in the *Earl of Arundel*, and that Title of *Earl Marshal* only impossibility to come again into *Mowbray*. And this may be added, that during *Duke Thomas* his Life *James Earl of Suffolk* by Deputation did execute that Office for reasons which I leave to other Writers.

## S E C T. XIII.

*Of the Lord Admiral of England.*

**T**H E Kings of *England* do constantly *Obs. I.* make Admirals of Squadrons of Ships, but the Admiral which I am here to speak of, is the highest of all, intituled the Lord Admiral of *England*, and may be well call'd Admirals, from their seeing and knowing the *mirabilia*, or Wonders of the Deep. The *Greeks* call'd this Officer *Thalassiarcha*, from *Thalassa*, the Sea, and *Archos*, the Chief at Sea, and from thence the *Romans* (according to the *Latin* Idiom) call'd him *Thalassiarchus*, and of later days *Admirallus* (which is no *Latin* word) and in *English* Admiral.

2. To

CHAP.  
IV.

2. To him is committed the Government of the King of *England's* Navy, and Power to decide all causes *Maritim*, as well Civil as Criminal, and of all things done on, or beyond the Seas in any part of the World, and many other Jurisdictions on the Coasts, and in Ports, Havens, and Rivers, and of such Wrecks and Prizes as are call'd by the Lawyers, *Lagon*, *Jetson*, and *Flotson*, that is, Goods lying in the Sea, floating on the Sea, or cast by the Sea on the shore (admitting some few exceptions and Royalties granted to other Lords of Mannors.) And these and all other Cases dependant on this Jurisdiction are determin'd in his Courts of *Admiralty*, by such Rules of the Civil Law as do not invade the Common Laws of *England*.

3. And of these Civil Laws which concern Sea affairs there are two most eminent Guiders to *Civilians*, viz. Those made at *Rhodes* (in the *Mediterranean*.) by the *Grecians*, and augmented by the *Romans*, call'd *Lex Rhodia*, or the *Rhodian Law*. The other made at *Oleron* (an Island anciently belonging to *England*, but lying on the borders of *France*) by our King *Richard* the First, both of which are still in great veneration.

4. So as well for the Laws by which he

governs the Maritim concerns, as for his CHAP.  
great Jurisdiction, being as vast as the IV.  
Ocean, he may be said to have *alterum*  
*Imperium, extra & intra Imperium*, and  
therefore this Honour and Care is intrusted  
to the hands of some one of the Blood Roy-  
al, or some one or more joyntly of the most  
eminent of the Nobility.

5. And in respect of this Power there is a  
constant Converse and Commerce with all  
parts of the World, especially where the  
Civil Laws are practis'd, and therefore it  
hath been the prudence of our former  
Kings (even to this day) to allot him a  
place in the Lords House, as to the Mar-  
shal of *England*, (for both of their con-  
cerns are chiefly manag'd (as I have  
shewn) by the Civil Laws) so as the  
Lord Marshal and Lord Admiral may be  
look'd on as the two Supporters to the  
learned Professors of those Laws, as the o-  
ther Lords are to the Professors of the Com-  
mon Laws, and possibly the greatest number  
of the Masters of *Chancery* (of whom I shall  
speak in order) (who sit in the Lords  
House) were originally contrived to be  
Doctors of the Civil Laws, upon this  
ground, That if there were at any time  
just occasion in that House to make use of  
any points in that Profession, they might  
give their advices or opinions therein.

6. This



CHAP.

IV.

6. This Dignity, as I said, was ever conferr'd upon some of the chief Nobility, by vertue whereof they had their Writs of Summons, and their Place in the Lords House, and this long before the *Act of Precedency*, for we find the Earl of *Arun- del*, in 13 *Edw.* 3. and the Earl of *Nor- thumberland*, in 7 *R.* 2. the Earl of *Devon*, and Marquess of *Dorset* in the same Kings time, and so the Earls of *Salisbury*, *Shrews- bury*, *Worcester*, and *Wiltshire*, and others of the like Degrees recited in the *Clause Rolls*, (needless to renumerate) being Admirals were summon'd, and in our ex- tant *Pawns*, in 36 *H.* 8. *Johanni Dudley*, *Viccomiti Lisle*, *Magno Admirallo*, and in 1 *E.* 6. *Tho. Dom. Seymer*, *Magno Admirallo*, and in 7 *Edw.* 6. *Edw. Fenys*, *Domino Clinton*, *Magno Admirallo*, and in 1, 2, 3, 4, *Mariae*, & *Phil.* & *Mar. Gulielmo Howard de Effing- ham*, *Magno Admirallo*, and in 4 & 5 *Phil.* & *Mar. Edw. Fenys* (again) and *Charles*, Earl of *Nottingham*, in *Queen Elizabeth's* time, and *George*, Duke of *Buckingham*, in *King James's* time and *King Charles the First's* time, were still summon'd to Par- liament with the Title of Admiral added to their hereditary Titles in their Writs, and to this Parliament, *Jacobo*, *Duci Ebor.* *Magno Admirallo*, &c. And all these had their places in the Lords House according

to

to the *Act of Precedency*, as those before CHAP.  
the Act was made. IV.

This Office was conferr'd on the Duke  
of *Tork* for this Parliament. *Vid. Cap. 2.*

SECT. XIV.

*Of the Lord Steward of the King's  
House.*

AS for the Orthography and Etymology *Obs. I.*  
and Antiquity of this Title *Steward*, I  
shall refer them to my *Annotations*. However  
as it is sometimes writ with a *T*, and some-  
times a *D*, it is under four Considerations;  
the first, as it represents a Royal Name and  
Family, and therefore for distinction, this  
is writ *Stewart* with a *T*, and hath the su-  
perintendence, chief interest and influence  
in all Parliaments since that Name was of  
that use in *England*.

2. The other three are Titles official, and  
written *Steward* with a *D*: and as a fur-  
ther distinction from the first, in *Latin*  
they are call'd *Seneschalli*, and this, the  
chief of the three, is call'd *Seneschallus*  
*Angliæ*, or Lord High Steward of *Eng-*  
*land*, of whom I shall give a full account  
in the Chapter of the *Trials per*  
*Pares*, and shew how this great Officer is  
imploy'd either in or out of Parliaments.

H

The

CHAP.

IV.

3. The last and least Degree of the 3 is call'd also *Senescallus*, such as are the Stewards of Corporate Towns, or Mannors which are not concern'd in the Summons, or of use in Parliaments, otherwise than as considerable Assistants in Elections of Members to serve in Parliaments ; But the Lord Steward of whom I now speak was call'd in *H.* the 8<sup>th</sup>. time, *Magnus Magister Hospitij Regis*, or the Great Master of the Kings Household, and ever since *Magnus Senescallus Hospitij Regis*, or the Lord high Steward of the Kings House, and he hath not only an eminent Employment, Trust, and Authority, in ordering the Kings Household, but an Authority above all Officers of that House, except the Chappel, Chamber, and Stables, but in all Parliaments is obliged to attend the Kings Person, to adjust their Parliamentary expences, (*Westminster* being anciently the Kings Court, and still within its Verge and his Lordships Jurisdiction. )

4. His place is appointed by the Act of *Precedency* in this order ; not but that he was Summon'd to Parliaments before that Act, as may be seen in several Clause-Rolls of *Rich.* the 2<sup>d</sup>. &c. but after the said Act, viz. 36. *H.* 8. *Charles* Duke of *Suffolk* was Summon'd, and his Writs directed *Magno Magistro Hospitij sui*, but  
after

after that, as in this very Parliament 1661. CHAP.  
the Writ to the Duke of Ormond was IV.  
*Jacobo D'no Brecon*, (being his *English*  
Title by which he sits in Parliament)  
*Vid. Cap. 2. Senescallo Hospitij*, (*Magnus*  
*Magister & Senescallus*, being still the same  
Officer, though varying in Title.

---

S E C T. XV.

*Of the Lord Chamberlain of the  
Kings Household.*

**T**Hat High-Chamberlain before menti- *Obs. I.*  
oned is called *Magnus Camerarius*,  
but this hath not that Epethite of *Magnus*,  
and yet his authority is very great within  
the Verge of the Kings Court; so that  
though there is some Subordination, yet  
in many great *Regalios* he hath an in-  
tire command, and even in some things  
which concern the conveniency of a Par-  
liament, (and its places of Addresses to  
the King) that the furniture of the Rooms  
may be sutable to the Majesty and Gran-  
dure of such as are imployed there.

2. He hath been anciently summon'd  
to sit there, as may be seen in the *Clause-*  
*Rolls* of the 25. and 27. and 28. of *Edw. the*  
3d. in the Summons of Sir *Bartholomew*



CHAP. *Bergehurst Camerario Hospitij*, he being  
 IV. also Guarden of the *Cinqueports*, and in  
 1. *H. 4.* to Sir *Tho. Erpingham, Baneret*,  
*Camerario Hospitij*, he being also Guarden  
 of the *Cinqueports*, and so the 10. *H. 6.*  
 to *Radulpho Cromwel Chevalier* or *Baron*,  
*Camerario Hospitij*, I might instance ma-  
 ny others, but I shall skip as the Records  
 do to the Act of *Precedency*, 31. *H. 8.*  
 where he is call'd the Kings Chamberlain,  
 and in the Pawns of the 36. *H. 8.* the  
 Writ was *Carolo Duci Suff. Magno Magistro*  
*Hospitij sui & Præsidenti Consilii sui*, (and  
 in the same Pawn which may be observa-  
 ble, the Office of great Chamberlain of  
*England* was supplied by *Edward* Earl of  
*Hereford*, of a lesser Degree than a Duke)  
 in the 6. and 7. *Edw. 6.* the Writ was *Tho.*  
*D'no Darcy Chevaleer Camerario Hospitij*  
*sui*, and in the 43. *Eliz.* to *Tho. Cary* Lord  
*Hunsden, Camerario Hospitij*, and conti-  
 nues in the same Office, he was Summon'd  
 again *primo. Jacobi*, and in the 15. *Car. 1.*  
*Philip* Earl of *Penbrook* was Summon'd,  
*Camerario Hospiti sui*, and to this Par-  
 liament, first *Edward* Earl of *Manchester*,  
*Camerario Hospitij*, then *Henry* Earl of *St.*  
*Albans Camerario Hospitij*, and after him  
*Hen.* Earl of *Arlington, Camerario Hospitij*,  
 who continued his place and precedency  
 in this Parliament to the Dissolution of it.

*Edward*

3. *Edward Earl of Manchester* Lord Cham-berlain of the Kings Houshold was Summon'd so by Writ 18. *Feb.* 1661. *Vid. Cap. 2.*

S E C T. XVI.

*Of the Principal Secretary of State.*

HE brings up the Honourable Rere to all the 12. Officers of State, both in this *Act of Precedency* and in the *Pawns*, and therefore I may the more justifiably defer my Discourse of him, till I come to his Writ of Summons, and past the method of the *Pawn*, as I have done the method us'd in the *Act of Precedency*, and so conclude these Sections with some few Observations.

*Observations.*

WHEN the Act of 31. *H. 8.* was made, the State Officers (though now but 9 in use, were then 12. a Number (as I shall shew) agreeable to the 12 Judges, 12 Masters of Chancery, 12 Constituting a Jury, and much more of the efficacy of that number, (cited by the Learned Institutor and *Petrus Bongus de Sacris Numeris*) and this number is thus used by us, as tis thought, in veneration, either

H 3

to.

CHAP. to the 12 Tribes of the *Jews*, or 12 Tables Sacred among the Old *Romans*, or to IV. the 12 Apostles of the Christian Religion, or 12 Signs in the *Zodiack* reverent in *Astrology*

2. That if the Writs to any of these Officers, be to any of the Lords Spiritual, or such Officers as have usually consisted of the Clergy, as the Lord Chancellor or Lord Keeper, the Lord Treasurer, Lord Privy Seal, then the Writs were like the Assistants Writs to the Judges, (of which I shall speak in order) but if any of these Offices be executed by any of the Temporal Lords, then the Writ is the same as to that noble Person to whom the Office is anext, or if any be Summon'd meerly *virtute Officij* without annexation, to the Degree of some Lord Spiritual or Temporal Lord, then the Writ is only as an Assistant Writ, and they sit in the *Lords House* but as Assistants without Vote, &c. as will be shewn.

3. Sir *Edward Nicholas* Knight was summon'd by Writ dat. 18. *Feb.* 1661. *Vid. Cap.* 2. and now I proceed to the fixt Nobility, call'd Lords Temporal.

C H A P. V.

S E C T. I.

*Of the Degrees of Nobles.*

I Have given a short Character of the *Obs.*  
Grand Officers and Ministers of State,  
and now according to the *Act of Prece-*  
*dency*, I shall speak of the fixt Nobility,  
as they are consider'd in Distinct Degrees;  
and these are not mention'd distinctly in  
the Kings Warrant for Summoning a Par-  
liament, but referr'd therein to the Lord  
Chancellor to distinguish them by their  
Writs.

1. As for the Nobility in general, most  
Authors derive the word *Nobiles* or *Nobles*  
in the Plural, from *Noscibiles*, viz. *Viri Nobi-*  
*les* or Persons indu'd with great knowledge  
than other men, and so conceive it may ad-  
mit of another *Etymology*, viz. *Nobilis, quasi*  
*Non-bilis*, i. e. men of such debonair and  
complacent tempers, and so much Masters  
of their passions, that they are not (in  
respect of their better Education) subject  
to choler, wrath, or fierceness, (for so  
the word *Bilis* is *Englisht*) but of even  
and serene tempers, which dispositions are



CHAP. fitteſt for Affairs relating to Government :

V. but to paſs theſe niceties, the Queſtion is amongſt ſome.

2. How far the Degrees of Nobility do extend ? which is partly reſolv'd by Sir *Tho. Smith* in his *Republica*, who ſaith there be two ſorts of Nobles, *viz. Majores* and *Minores*, (and this was according to the Old *Romans*,) the *Majores* he calls the fixt Hereditary Nobles diſverſifie into 6 Degrees, *viz.* Princes of the Bloud, (of whom I have ſpoken in *Cap. the 4th.*) Dukes, Marqueſſes, Earls, Viſcounts and Barons, (not of the Bloud) and deſcend no lower, and theſe are capacitated by ſuch Creations and Writs to ſit in the *Lords Houſe*. The *Minores* he begins at Knights, (for he wrote before Baronets were known) Eſquires, and Gentlemen, and deſcended no lower ; and out of theſe, the Knights, Citizens, and Burgeſſes for Parliaments are Elected and Compos'd, and thereby capacitated to ſit therein, as the *Representatives* of the *Commons of England* : but of theſe *Nobiles Minores* I ſhall ſpeak more in the ſecond part of this Treatiſe ; but of the *Majores* now in their Order, which conſiſt of 5 Degrees, beſides thoſe of the Stem Royal, (of which I have ſpoke ) and firſt of Dukes.

SECT.

S E C T. II.

Of Dukes,

**B**Efore I proceed to the Writs of Summons to the Individuals of these Degrees, I shall give a brief description of the nature of them; and first as for the word Duke, it is the same with *Dux* in *Latin*, (from *Duco* to lead) for they were antiently Leaders of Armies, and thereby gain'd that Title, (as might be shewn from Histories) and were it not for hindering my other intentions, I might recite most of the Learned *Seldens* Authorities, (which he hath rendred from other Authors concerning Dukes) but in short he tels us that *Comes i. e.* a Count or Earl was esteemed of an higher quality than Duke, and that Earl was chief in Matters Civil, and Duke in Matters Military; but in process of time the Sword got the upper hand, and prioritie of Earl; and further saith that both Dukes and Earls from Substitutes to their Princes, (in certain dependent Territories) became afterwards Sovereigns, (as the great Duke of *Tuscany*, &c. and the Earl of *Flanders*, &c. (still owning the Titles of Dukes or Earls, though they had

Obs. I.

CHAP. had gain'd an intire and independent Sovereignty.)

2. The diversity of Names attributed to Dukes, both in sacred, prophane, and modern stories, were according to the humour of the region where they sway'd; for in some Nations he was call'd *Princeps*, *Magnus*, *Illustrissimus*, *Robustus*, *Milkenarius*, (that is a Duke, or Leader of a Thousand Men) in other Countries, *Grave*, *Waiward*, and *Despot*, and still the words Duke and Earl, promiscuously us'd to one and the same Person: but whatever they were or are in foreign parts, Dukes are now in *England* accounted the chief and most honourable Subjects, and first Degree of Nobility (except Princes or Dukes of the Blood-Royal) and, as a distinction from the rest, is call'd *Grace* given to no other Spiritual Lord, but the Arch-Bishops of *Canterbury* and *York*, and to no other Temporal Lord, (except to the Lord High Steward, *pro hac vice*, upon tryal of Peers) for the Princes and Dukes of the Blood, are intituled *Highness*, and all the other Temporal Lords, *Right Honourable*, but any of those being Admiral or General, *Excellence*.

3. The Title of Duke was very probably us'd here in *England* before *Edward* the Third's time; for History tells us of *Asclepio-*

*piodolus*, Duke of *Cornwal*, in *Anno Christi*, CHAP.

232. (which was in the time of our old V.

*Britains*) and well might he be call'd

Duke, for disgarrifoning of all the *Roman* Prideaux

Holds, and for his quick Marches to Introdu&

*London*, and killing the Governour there- to Hist.

of, and for many other Heroick Actions,

in freeing his Country from their Servi-

tude. However, there were many Dukes

Created in *Germany* about that time. But

our History tells us, That none was Crea-

ted a Duke in *England*, till 11 *Edw.* 3. Selden.

*An. Christi*, 1344. when the King in Parlia- Speed's

ment Created his eldest Son, *Edward*, (be- Acts.

ing first made Earl of *Chester*) then Duke

of *Cornwal*, and from thence that County

was erected to a Dutchy or Dukedom, and

many more Dukes, both in that King's

time, and almost in every Kings Reign

since that time, have been Created to that

Title.

4. The Dukes of *England* are of two sorts,

first, those of the Blood Royal, *i. e.* such

as have a possibility to inherit the Crown

upon a legal succession. 2dly, Those not

of the Blood Royal, *i. e.* such as are not

related to the Succession of the Crown,

or at least so remote, that it is not visible

to meer probability; and these two sorts

have sat in former and in this Parliament,

as will be shewn.

As



CHAP. 5. As they are distinguish'd in their Titles,  
 V. so they are also in their Coronets, Robes,  
 and Habits, &c. with which they are in-  
 vested before they enter the *House of Lords*,  
 (which will be in the third Part of this  
 Treatise represented in Figures.)

6. Here I must not pass over one obser-  
 vable, That to this Parliament of 13  
*Car. 2.* there were three Dukes summon'd  
 by Writ, viz. *George*, Duke of *Bucking-*  
*ham*, *Charles*, Duke of *Richmond*, and  
*George*, Duke of *Albemarle*; the Duke of  
*Buckingham* was then Master of the Horse,  
 the Duke of *Richmond* of the Blood Royal,  
 by the *Scotish* Line, yet neither of those  
 two appendant Titles were mention'd in  
 their Writs; but *George*, Duke of *Albe-*  
*marle*, in his Writ is intituled, *Generalis ex-*  
*ercituum suorum*, and is plac'd the third in  
 that Record, and the reason may be, be-  
 cause there was no provision for that great  
 Office in the *Act of Precedency*, whereby to  
 preceed all of the same degree (as other  
 degrees do) (being a Title not mention'd  
 in the Act, though on some occasions he  
 preceeds by vertue of his Office the other  
 grand Officers) and so being not in the  
 Act he is named in this *Pawn* the last of  
 the three Dukes, without respect to his  
 Office of Generalship. Nor do I find in  
 any *Clause Roll*, or *Pawn*, the Title of Ge-  
 neral

neral annex in any Parliament Writ to any one of the Degrees (except this) though History does plentifully furnish us with several persons of those several Degrees who were Generals when Parliaments were summon'd; and yet, as I said, there is no provision in this Act, for the Place or Precedency of this great Officer, as there is for the Marshal, Admiral, &c. although his great merits might well have deserv'd an additional Clause to that Act for his precedency.

7. Three Dukes were summon'd 18 Feb. 1661. as in the *Pawn*, vide cap. 2. The next Degree to Dukes are Marquesses.

### S E C T. III.

#### Of Marquesses.

**T**He third Degree of the Hereditary and fixt Nobility, is intituled, *Marquis*, (and *Marquess* in *English*) which began in *Germany*, Anno Christi, 925. when *Henry*, (Emperour of *Germany*) and the first of that Name in that Empire) Created *Sigefred* (then Earl of *Kinglesheim*) Marquess of *Brandenburgh*; who after, in the Year 1525. having the addition of Duke of *Prussia*, did exchange the Title of

Obs. I.

CHAP. of Marqueſs, to be call'd Duke of *Brandenburgh*: However, he was the firſt Marqueſs of that Empire, and probably the Emperour did fix this Title between the Dukes and Earls, that there might be no more diſputes concerning them; for the two Titles of Duke and Earl were promiſcuouſly uſ'd till this Title of Marqueſs was interpoſ'd; and the ſame reaſon might alſo occaſion *Philip* the Fair, King of *France*, 425 years after, viz. *Anno Chriſti*, 1350. to inſert into *John*, Duke of *Britain's* Patent: *Ut ne poſſet* (ſaith the Patent) *in dubium revocari Ducem ipſum* (qui Comes fuit aliquando, &c.) *ut Ducem in poſterum deberet vocari*, &c. and the reaſon is therein given, *Quod Comitatus ejus potius debet duci & eſſe Ducatus, quam Comitatus, quoniam ſub ſe habet decem & ultra Comitatus*, and 56 years after, viz. *Anno Chriſti*, 1386. This might occaſion alſo our *Richard* the Second, to make *Robert d' Vere* the firſt Marqueſs of *England* by Creation, and hereby the diſpute between the two Titles of Duke and Earl, or Comes, was ſetled both in the *Empire*, in *France*, and in *England*, by the interpoſ'd Title of Marqueſs.

Selden.

2. From whence this Title is derived, there are ſeveral conjectures, but moſt agree, That it comes from *Marken*, or *Mark*, or *March*,



*March*, (*High Dutch* words) signifying CHAP. V.  
with them as with us, a *Mark* or *Limit*,  
and from thence he that was deputed Go-  
vernour of that *Limit* or *Mark* which he  
was to take care of, and preserve, was call'd  
a *Marches*, or *Marquefs*, and the Territo-  
ry under his Jurisdiction, a *Marquisate*, and  
to this day the *Marquisate* of *Branden-  
burgh* is divided into three *Marks*, or  
*Marches*, viz. *Alte-Mark*, or old *March*,  
the middle *Mark*, and the new *Mark*, or *March*: and we in *England* do still call such  
kind of *Limits* by the name of *Marks*, or  
*Marches*, viz. the *Marches* of *Wales*, and  
the *Marches* of *Scotland*, which were Fron-  
tiers to be defended against the *Scots* and  
*Welch*; and some would derive *Marquefs*  
from *Mare*, the *Sea*, because their *Mark*  
or *Limits* were *juxta Mare posita*, and the  
learned *Selden* (in his *Titles of Honour*)  
likes it well enough, that *Marquefs* should  
be derived from *Marken*, but not *Marken*  
from *Mare*. Heylin's  
Cosm.

3. But I must not ravel into Disputes  
of this Nature, and therefore shall re-  
fer them to his Book, and my Annota-  
tions, and conclude this *Section* with  
this, That as most *Sir-Names* are deriv'd  
from some significant word or words, so  
these noble *Titles* (without derogation to  
their other *Titles*) are from some signal  
Action,



CHAP. Action, as a Duke from leading an Army;

V. a Marquess from *Maris acquisitio*, (a gaining something from the Sea, or preserving something against the Sea) and so of the other Titles (as will be shewn) and thereupon had condignal Honours conferr'd on them, to testifie their Employments, which are since (as Memorials of their Merits) therein become hereditary.

4. Four Marquesses were summon'd, 18 Feb. 1661. as in the *Pawn*, vide *Cap. 2.*

#### SECT. IV.

##### Of Earls.

*Obs. I.* **T**He learned *Selden* tells us, (as I have shewn) That the Titles of Dukes, and Counts, or Earls, were promiscuously us'd as well in foreign parts as in *England*, till the Title of Marquess was interpos'd; and it is agreed, that *Comes* is the *Latin* word for Count, (in whatever Territory that word is us'd) and that Count is deriv'd from *Comitatus*, or County; and *Comitatus* from *Committo*, (denoting the particular County committed to his Care) and *vice versa*, *Committo* begets *Comitatus*, or County, and *Comitatus*, *Comes*, a Count, i. e. Earl.

Of these *Counts* the learned *Selden* reckons CHAP. but 6 Sorts, viz. the *Single Count*, (who V. hath no addition but his Christian name) 2d. *Count Palatine* (from *Palatium* or some Palace in it,) 3d. *Count of the Empire*, 4th. *Count of Frontiers*, where the Title of *Marques* is also us'd instead of *Count*, 5th. *Count of Provinces*, (or Counties joyn'd) which in Foreign parts are call'd *Landgraves*, (the word *Grave* and *Comes* signifying the same Title) and 6th. *Count of Cities or Towns*, and these latter, as in *England*, are call'd *Comites Castrenses* or *Burgraves*, or *Counts of Castles or Burroughs*, (all which are more fully describ'd in his second Book.) But I find that *Cassiodorus* in his 6th. Book mentions 22 Sorts more than Mr. *Selden*, of which 6 of Mr. *Seldens*, or 28 of *Cassiodorus*, we in *England* retain but few, viz. a *Count of a County*, (as *Algernonus, Comes Northumbriæ*; A *Count of a City*, (as *Albericus* or *Awbry, Comes Oxoniæ* (or *Oxford*), and *Guilelmus, Comes Novi Castri* or *New Castle upon Tine*, (being both a Castle and Burrough.)

3. All the curiosity lies in finding out how *Comes* or *Count* happens to be transmuted into the word *Earl*, so much different in Pronuntiation and Orthography from each other, and yet, as we say, are the same in Substance. I 4. Now

CHAP. 4. Now it being no hard matter to believe (as I have shewn) that Duke is deriv'd from *Duco*, and Marquess from *Mare*, but Earl from *Comes* or *Count*, is not so intelligible; but this may be said, that the *Saxons* from whom we borrow this word Earl, did use it as a word of Honour, and in the same sence with *Comes*, for they did call their chiefest Governors of Shires, (of which many of our Counties still retain that name, as will be shewn) and of Cities and Burroughs, by the name of *Earldermen*, and for a more easie pronounciation *Ealderman*, and after *Alderman*, and for brevity *Earl*, and the *Danes* after them *Earlan*; and commonly the *Earlan* or *Earl* had a Shire or more for his *Earldom*, and the number of *Earls* increasing, some had part of a Shire, others some chief Town, of which he was made *Earl* or *Earldermanus*; and whatever other Etymologers say, (of which I can speak more freely in my Annotations) I conceive the Dominion of those *Earls* were allotted near some spreading Rivers, (in Fenny-Countries) which are to this day call'd *Eas*, and those *Inland Isles* (which we now write *Island*, and some corruptly calls *Eyes*) were anciently writ *Ealands*, as *Rumen-ea*, (now *Rumney-Marshes* in *Kent*) and *Ely*  
an

Sir William  
Dugdale.

an *Island* in *Cambridgeshire* is anciently CHAP.  
 writ *Ealand*, and so *Worrel Island*, (near IV.  
*Chester*) sometimes call'd *Ealand*, and some-  
 times *Island*, and I could reckon up what  
 I have seen in *Cambridgeshire*, and *Lin-*  
*colnshire*, at least 40 antient Cuts and  
 Sewers of Water, which still are call'd  
 and writ by the name of *Ea*, viz. *Boston*  
*Ea* in *Lincolnshire*, *Popham Ea* in *North-*  
*hamptonshire*, (signifying great Waters in  
 those places) and many more might be  
 instanced to prove that as *Marques* may  
 safely be deriv'd from *Mare*, (as denoting  
 one that had the guard of the inundations  
 from Saltwaters) so *Earl* may as safely  
 be deriv'd from *Ea*, (or one that had the  
 guard and care against the *Inland* innunda-  
 tions of fresh waters) and some observe  
 that this word *Ea* is still retain'd in most  
 of those Counties which are intituled  
 Shires, or bordering on those Shires (Shire  
 being (a *Saxon* word) as will be shewn)  
 but in other Counties which are not  
 call'd Shires, the word *Ea* is scarce known,  
 so as *Comes* or *Count* was us'd in such places  
 as were call'd Counties, and *Earl* in such  
 as were call'd Shires.

5. This Tutelage of grounds gain'd or  
 preserv'd from waters, was so great an  
 honour, that *Caius Marius*, (who was  
 made seven times *Consul* or *Comes*, (for



CHAP. as *Selden* saith, *Comites dici possunt Consules a Consulendo* ) which was render'd *Earl*, did by a Cut or Drain so secure the Inundation of Salt waters often overflowing a large Fenny County near *Arles* in *France*, that in memory of so beneficial a Work, it was called *Fossa Mariana*, ( or the *Consul Marius* his Drain ) and in *Pompeys* time the securing of the inundations of *Freshes* about 40 Miles from *Rome* was esteem'd to be so good Service, that one of the two Consuls were usually appointed to attend the *Gallick Enemy*, the other had the care of the *Ea* or *Watry Enemy* ; and it is no small honour now to the *Earl of Bedford* to be Governour of 365000 Acres of Fenny Grounds, intituled by his name of *Bedford Level* subject to inundations, but by his vigilance preservs it.

6. And when this Title of *Earl* was first given in *England*, ( as tis said ) by *William* the first, to *Hugo de Aurank* or *de Ib-rinks*, making him *Earl of Chester*, it was doubtless from some eminent Service done in preserving the Banks or Brinks of that County against the inundations of the River *Dee* upon the South-side of *Worrel Ealand* aforesaid, reaching from the Town of *Chester* to the *Hebrea*, for shortness call'd *Heber*, and so round that *Hundred*, ( besides the Banks in other parts of that County. )

Some

Some do question whether this *d' Aurank* CHAP. V.  
or *d' Ibrink* was the first Earl, but tis likely he was so Titularly, and other the like Earls before him: but that which is agreed on is, that *Albericus* or *Aubry d' Vere*, was the first that was by Charter (or Patent) created Earl by *Henry* the 2<sup>d</sup>. who had the additional Title of Earl of *Oxford* or *Oxenford* in *Oxfordshire*, and continues in that Family to this day; but I cannot pass the word *Ford*, which doth imply a passable Ea or Water, which was necessarily to be preserved from the overflowing of at least 7 several Rivers in that little County, for the more safe passage of Men and Oxen.

7. To conclude, I hope I may be allow'd so much of the Art of Tachygraphy or short writing, as may render my application of this word more plausible, by writing *Earl* for *Ea Regalia*, so as whether *Ea* be consider'd as a *Saxon* word, or the plural of the pronoun *Ea*, it confirms my notion, and may serve as well to explain the word *Earl*, as *SPQR* the Senate and People of *Rome*, or *DNS* to signify a Baron of the Realm or Chr. *Chevaleer*.

8. I have said sufficiently of the word; now as to the antiquity of it in *England*, it is Authentick from History and Record, that the word *Earl* and Honour of it, was

CHAP. in use in the *Saxons*, and *Danes* time,  
 V. and continued with the *Normans*, and  
 Earls had the like extensive power in  
 Shires and Counties as they have had since  
 their formal creation by Charter, which  
 it seems was a mode and form not us'd  
 till this to the Earl of *Oxford*, since which  
 there hath been some variations in the  
 Form, but especially in the time of *Henry*  
 the eighth and King *James*, as will be  
 seen when I come to recite so much of  
 their Charters of Creation as relate to their  
 interests in Parliament.

9. The learned *Selden* divides this Title  
 into two sorts, a Local and a Personal  
 Earl; by Local he means such Counties,  
 Cities, Castles, Towns, or Burroughs,  
 as are fix'd to the Title of Earl, (or  
*Comes*) as Earl of *Oxford*, Earl of *Kent*, &c.  
 (being not County Palatines) or of such  
 as are County Palatines, whereof there  
 are five, *viz.* *Cheshire*, *Lancashire*, (which  
 are in the Crown) *Pembroke* (in the  
 present Earl of *Pembroke*) *Durham* and  
*Ely*, (which two are County Palatines,  
 belonging to the Bishops of those Coun-  
 ties, never granted to any Temporal Earls)  
 so as the Bishops of *Ely* and *Durham* do sit  
 in Parliament *Virtute Tenuræ*, and not  
*Virtute Comitatus Palatinæ*.

As for Personal Earls, there are but three remaining at this day, viz. the Earl or Lord Great Chamberlain, granted to *Berty*, Earl of *Lindsey*, with a large intale to that Family, 2<sup>ly</sup>. the Title of Earl Marshal granted to *Hen. Howard* Earl of *Norwich*, and after Duke of *Norfolk*, with a large intale as I have shewn, 3<sup>ly</sup>. granted by Patent to *Savage* Earl *Rivers* being made a Baron in 5 *Edw. 6.* and also Viscount of *Colchester* in 19 *Jacobi*, and in the 2<sup>d</sup>. of *Charles* the first was made Viscount *Savage* of *Rock Savage* in *Cheshire*, whereby he is a double Viscount, and Earl *Rivers*, which is the Name of an illustrious Family, and not of a Place, but all the other Earls are intituled from some noted Place.

10. Forty nine Earls Summon'd the 18<sup>th</sup>. February, 1661. and six more Summon'd the 29<sup>th</sup>. of *April*, 1661. See the *Pawn. Cap. 2.*

The next I am to treat of is the *Viccomes*, Vice Earl, or Viscount.



## Of a Viscount.

Obs. I.

**W**Hat hath been said of a Duke or a Count, whilst their Titles were interchangeably us'd, may be also appli'd to a Viscount; for when Dukes and Counts increas'd in their number, there was a kind of necessity to take in others to their assistance, who afterwards by merit and the favour of their Prince, arrived to an Interest of their own, and therefore the word *Vicecomes*, or Viscount, may properly here intend a Companion, (for the word *Comes* doth as well signify a Companion or Associate, as a Count or Earl) and the addition of *Vice* (which signifies instead, or by course or turns (of which word *Turn* I shall speak more) did intimate, thar when the Turn of this *Comes* came to Govern, he was for that time call'd *Vicecomes*, all other times *Comes* only, or, as I conceive, as the one was call'd *Comes*, because he commanded a County, the other was called *Vicecomes*, from the *Latin* word *Vicus*, because he commanded a Village, Street, or Structure, or some lesser Command than that of a County.

2. The

2. The dignall Title of *Vicecomes* is also CHAP, V.  
 ancients in foreign parts, than in *England*,  
 and is the same with *Vidame*, or *Vicedominus* (which are properly the foreign  
 Titles of a Substitute to a Bishop) but as  
 we take the Title in an officiall sence, it  
 signifies the King's Deputy or Sheriff in  
 every County, and so is as ancient as the  
*Saxons*, who made *Comes* to signifie Earl,  
 and *Vicecomes*, or Viscount, to signifie the  
 Office of *Shereeve*, or Sheriff, for we had  
 the words Earl and Sheriff from the *Saxons*,  
 and the Count and Viscount from the *Romans*,  
*Comes* and *Vicecomes*: and probably  
 for the same reason, that Marquess was in-  
 terpos'd to Duke and Earl in *Richard* the  
 Second's time, so it was thought fit in *Henry*  
 the Sixth's time (though some say in *Henry*  
 the Fifth's time) to interpose the Title  
 of Viscount to *Comes*, or Earl, and the Noble  
 Baron, there having been the like promiscu-  
 ous use of the Titles of *Comes*, or Earl,  
 and Baron, as had been of Duke and *Comes*,  
 and thereupon I conceive *John d' Beaumont*  
 was Created the first Viscount of this  
 interposing Dignity, it being, as *Mr. Camden*  
 saith, an old Name of Office, but a  
 new Name of Dignity, or a *Vicecomes*, or  
 Sheriff, turn'd from an annual Office into  
 a Dignity hereditary.

Yet

CHAP. 3. Yet this Office of *Vicecomes*, or *Sherreeve*, or Sheriff, was, and still is an Office of dignity; only the difference is, that the *Vicecomes* dignified, (as I said by *Hen. the 6th.* is a Parliamentary and Nobilitated Dignity and Place, (both in their Patent of Creation, and in the *Act of Precedency*) fixt between Earl and Baron, &c. made Hereditary, but the other *Viscountship* or *Sherifdom* is Official and Annual and not Hereditary, and hath no place in the *Lords House*; and particularly excepted to be chosen into the *House of Commons*, by the Writs of Elections, (as will be shewn) and the reason is, because the Official *Viscountship* is in the King, who gives only an annual Deputation to the Person who executes that Office in such County, of which he is made *Vicecomes* or *Deputy* to the King, and so is not the Noble *Viscount*, (who cannot be made Sheriff or return'd of a Jury) but hath his constant Writ of Summons to every Parliament, (as will be shewn;)

4. Seven Viscounts Summon'd by Writ 18. *Feb.* 1661. and One Viscount Summon'd by Writ 20th. *Ap.* 1661.

And now I come to the Barons, the last Degree of the Nobility, but anciently the First or Second.

## S E C T. VI.

## Of Barons.

I Shall refer the Etymology of this word Baron to my Annotations, ( because the learned *Cambden*, *Selden*, and others have taken pains about it ) but for many ages, as at present, it comprehends all such Prelates and Bishops as are Summon'd by vertue of their Baronies or Tenures to sit in the *House of Lords*.

As also all such Dukes, Marquesses, Earls and Viscounts, as did anciently mount to any of those 4 Degrees, by the proportion of their Baronies, which they obtain'd by gift from the King, or other acquisitions, so differing from the other 4 in Nominal gradations, rather than Essential. And though there were Nominal differences antiently in the Tenures of Dukes, Marquesses, Earls, Viscounts, and Barons, yet they were all subject to a general Contribution to the Kings affairs, according to their certain number of Knights Fees; for as Baronies made the other 4 Superior Degrees, so the increment of Knights Fees (whereupon I conceive *Sir Thomas Smith* made that Degree of *Nobiles Minores*) did capacitate a Baron to be made  
a Ba-



CHAP. a Baron, and so a certain number of Baronies to be a Viscount and Earl, and of *Earledoms* to be a Duke, as may be read in Sir *Edward Coke*, (and others more ancient by him cited) and Mr. *Selden* (forgiving the Knight) saith that *Istud verbum Baro est caput & scala dignitatum Regalium, i. e. Majoris Nobilitatis.*)

2. In former times these proportions were observ'd amongst the Temporal Lords, but not with the Spiritual, for Mr. *Selden* tells us of a Bishop (pag. 580. Tit. Hon.) that had 220 Baronies, and did sit in Parliament by vertue of his Baronies, yet was neither Duke nor Earl) so those were the computations of Honour and Contributions, till the method of Creations were us'd, and at last by the late Act of Parliament all *Tenures in Capite* were Dissolved, and thereby the *Tenurial* Contributions, but not the Titles of Honour: yet for a little variety I may inform some, that in former times the Spiritual Barons had some exemptions from Contributions, unless there was (as the learned *Selden* calls it) *Trinoda necessitas, viz.* of War, of Repairs of Castles, or Bridges, but they were generally exempted from Personal Assistance in War; for though (as he saith) that in the 4th. year of *William* the First, that King made the Bishops, &c. subject to Knights Service

vice in chief, by creation of their Tenures, CHAP. V.  
and so was the first King that turn'd their  
possessions by *Frankalmoine* (a *French* word  
signifying charitable Gifts, for so began  
their temporalities) into Baronies, and  
thereby made them Barons of the King-  
dom by Tenure, yet when it was pray'd  
by them in the 5<sup>th</sup>. Hen. the 3<sup>d</sup>. *Ut omnes  
Clerici tenentes Baronias, &c. personaliter  
procederent contra Regis adversarios, &c.*  
it was answer'd by the Bishops (and their  
Answer allow'd) *Quod non debent pugnare  
cum gladio materiali sed Spirituali, scilicet  
cum Lachrymis & orationibus humilibus &  
devotis, & quod propter beneficia sua manu-  
tenere debent pacem non bellum, & Quod  
Baroniæ eorum ab Eleemosynis puris stabili-  
untur, &c.* So as (he conceives that) the  
Baronies of the Clergy were made of such  
Lands as formerly were, as I said, held in  
*Franckalmoine*.

3. But what ever exemptions the Spiri-  
tual Barons had, the Temporal Barons  
were oblig'd by their Baronial Tenures  
(of several natures) to all defensive and  
offensive duties for the King and King-  
doms preservation, according to the pro-  
portion of their dependent tenures or ter-  
ritories; and so are yet in honour oblig'd  
to perform, and they all had and have  
equal

CHAP. equal Votes in Parliament by vertue of  
 V. their Baronial Interest ; for as to matters  
 Parliamentary, the Title of Baron is more  
 ancient, copious, and comprehensive, than  
 any of the other Titles of Lords in Par-  
 liament.

4. This word Baron we see is applic-  
 cable, not only to the two degrees of Lords  
 Spiritual, viz. Archbishops and Bishops,  
 but to the 5 degrees of Lords Temporal, so  
 as the noble Barons and all the Degrees  
 above them do set in the *Lords House*,  
*virtute Baroniae*, and by Writs of Sum-  
 mons, the Superior Titles to the Barons  
 differing rather upon some *extrinſick order*,  
 than any real *intrinſick diſtinction*.

5. As for thoſe Titles of Barons which  
 are given to Degrees equal or under the  
 noble Barons, they are of ſeveral ſorts ;  
 1<sup>ſt</sup>. Some noble Barons by Anciency ne-  
 ver Summon'd to a Parliament, yet capable  
 of Summons ; 2<sup>ly</sup>. The Barons of the  
 Exchequer, ( which are 4 in number, who  
 are Summon'd by Writ *ad conſulendum*,  
 or to be Aſſiſtants in the *Lords Houſe*,  
 ( as will be ſhewn ; ) 3<sup>ly</sup>. Barons of the  
 Cinqueports ( out of whoſe number 16  
 are uſually Elected ) to ſit in the *Houſe of*  
*Commons*, ( as will be ſhewn ; ) 4<sup>ly</sup>. Ba-  
 rons

rons of Court-Barons, who are also capa- CHAP.  
ble of being Elected to sit in the *House of* V.

*Commons*; 5<sup>th</sup>. Barons in the Law-French call'd Baron, *i. e.* and Husband, (and *Feme* the Wife) but I here only speak of the *Nobiles Barones* distinct from these Titular Barons, though such of them as sit in the *Lords House* are in some sort thereby Nobilitated, of whom I shall speak more when I come to the Assistants; and such as sit in the *Commons House* are thereby Dignified though not Nobilitated, (of whom I shall speak when I come to the *House of Commons*.)

6. Now it may here be observed, that some Persons of merit have been Summon'd to sit in the *Lords House* as Barons, which were not Barons, or any otherwise capacitated to sit there but by Writs of Summons; upon this occasion Sir *Edward Coke* cites a Case where one Summon'd by Writ to sit in the *Lords House*, died before he sat there, and it was adjudged that if he had sat there, he had been Nobilitated thereby, but having not sat there, whereby that writ was not executed for want of his Personal attendance, it was adjudg'd that the direction or delivery of the Writ barely to the Person to whom the Writ was directed, (without Personal appearance and investiture of Robes and a possession



CHAP. session of place) was not sufficient to enable him, without a conjunction of those Circumstances and Ceremonies.

V. 7. But Barons created by Letters Patents, (and made to them and their Heirs) are thereby *Nobilitated*, and to be esteem'd *Nobles* though they do not Sit, in respect of the power given them by Patent to Sit without restrictions or ceremonial qualifications; and therefore Sir *Edward Coke* saith, that though the Creation by Writ be ancients than by Patent, yet the Creation by Patent is the surer way, for that one may be sufficiently Created by Patent and made Noble, though he never sit in Parliament, and he gives this reason; *That if issue be joyn'd whether one be a Baron or not, that point shall not be tried by a Jury of 12 men, but by the Records of the Parliament, and if he did not sit there, there can be no Record, but a Patent is a Record.*

8. So there were 62 Barons Summon'd by Writs of the 18. of *Feb.* 1661. and 6 more by Writs of the 29. of *Ap.* 1661. whereby the number of Temporal Lords Summon'd to this Parliament began the 8th. of *May* 1661. were—140. viz.

1. Two Dukes of the Bloud.
2. Three Dukes not of the Bloud.
3. Four

3. Four Marqueſſes.
4. Fifty five Earls.
5. Eight Viſcounts.
6. Sixty eight Barons.

In all of the 6 Degrees 140. as in the  
*Pawn Cap.* 2. which we may compare  
with former times, *viz.*

Regno.	Anno.	Num.Maj.	Anno.	Num.Mi.
<i>Edwar.</i> 3.	25°	62	4°	18
<i>Richar.</i> 2.	8°	63	18°	36
<i>Henry</i> 4.	1°	50	11°	39
<i>Henry</i> 5.	2°	44	3°	29
<i>Henry</i> 6.	38°	55	1°	23
<i>Edwar.</i> 4.	7°	47	12°	37
<i>The biggeſt Number Summon'd in theſe Years.</i>				
<i>Henry</i> 8.	37°	45	28°	44
<i>Edwar.</i> 6.	6°	59	1°	47
<i>Mariæ</i>	2°	56	1°	42
<i>Elizabeth.</i>	30°	60	43°	52
<i>Jacobi</i>	21°	98	1°	84
<i>Caroli</i> 1.	15°	109	1°	97
<i>Caroli</i> 2.	13°	140		
<i>The loweſt Number Summon'd in theſe Years.</i>				

I do inſert this obſervation, That the  
Ingenious Hiſtorian may ſee, whether the  
greater or leſſer number of the Nobility in  
Parliament hath been moſt advantageous  
to its Conſtitution ; and the like may be  
obſerved concerning the number of the  
K Houſe

CHAP. *House of Commons*, (of which I shall speak  
V. in the next part.)

By which we may see that the highest Number was in 12. and 13. of *Car. 2d.* and the Lowest in the 4<sup>th</sup>. of *Edw. the 3d.* not troubling the Reader with the Numbers Summon'd to Intervening Parliaments.

Thus having given some short Illustrations of those Titles of Honour which are mentioned in the Parliamentary Writs and the *Act of Precedency*, for the clearer satisfaction of such as are not vers'd in matters of that nature; I may now with the more content to them and my self proceed to the particular Writs of Summons to those noble Degrees which I have regularly mention'd, according to their prescrib'd Order, both from the method of the Writs in the *Pawns* and *Act*; and these Writs of which I am particularly to speak (others falling in collaterally) are;

*Sect. 1.* The form of the Writs to any of the Bloud Royal.

2. The form of the Writs to Archbishops and Bishops.

3. The form of Writs to the Lord Chancellor or Lord Keeper.

4. The form of Writs to Dukes not of the Bloud, Marquesses, Earls, Viscounts, and Barons, wherein the Grand Official Titles beforementioned are inserted.

CHAP.

is the Exemplar of the Consimular Writ  
to Prince Rupert Duke of Cambridge  
VI.

CHAP. VI.

Of Writs of Summons, and first of the Exemplar Writs for Summoning Princes, Dukes, and Earls of the Bloud-Royal to the Parliament.

SECT. I.

I Have shewn in Chap. 2. how Parliament Writs are sorted into Close Writs, and Open Writs or Patents, and those into Exemplars and Consimulars. I need not enlarge more therein, but proceed to the first Exemplar Writ of Summons, and so to other such Writs of Summons to other Degrees as concern the Lords House; for I shall speak of other Parliament-Writs of another nature, when I have dispatched the Summoning Writs and Patents of Creation, according to the method of Pavns and Clause-Rolls made before the Act of Precedency, as also in all Pavns since that Act. Those of the Bloud-Royal are placed in the first Rank of those Records, and were still Exemplar to the rest, and therefore the Writ which I am now to speak of, viz. To the Duke of York (Brother to King Charles the 2d.)



CHAP. is the Exemplar of the Consimular Writ  
 VI. to Prince *Rupert* Duke of *Cumberland*,  
 ( being Son to the Sister of King *Charles*  
 the First ) and so persuant not only to the  
 said Act, but to the most ancient methods  
 of Writs of Summons, ( as will be more  
 fully shewn in the following Chapters. )

But before I recite this Writ, methinks  
 I hear some say, *Nolumus consuetudines*  
*Anglicæ mutare*, therefore let us know  
 what Writs of this nature were issued in  
 former Ages by former Kings, which is  
 a Question so pertinent to my own scruples,  
 that ( I hope ) the same ease I gave to  
 my self ( after my inquiry ) will serve to  
 satisfie others ; for having gone backward  
 with as much safety ( to the avouching of  
 Records as I could, ) and being not satis-  
 fied with what was delivered to us, concern-  
 ing the Parliament Writs in the *Brittish, Ro-*  
*mans, Danes, Saxons, or Norman* times, or by  
 some of the *Plantagenets*, or those of *Hen.*  
*3ds* time, from whence most Writers of our  
*English* Parliaments take their Original ; I  
 fixt upon and took my Rise from the Writs  
 in the *15th. of Edw. 2d.* which are clear  
 and still extant in the Records of the  
 Tower, which the other are not.

By these Records it is evident, that in  
 97, Parliaments, as I account them, which  
 were Summon'd from that *15th.* year to  
 this

this Parliament, there is no material difference in this Exemplar Writ from those Antecedent; and therefore that this Writ to the Duke of York may be compar'd with that of *Edw. 2d.* I have here set them both down *verbatim*, so that upon 339. years experience, *viz.* from the year 1322. to the year 1661. Inclusive, we may acquiesce, that we in this Age have not much trespass't or varied from the ancient and wise Form prescribed to us by so many former Kings, and continued to this time.

---

*The Form of the Exemplar Writ to the Princes of the Bloud.*

Tempore Edw. 2. 15.

**E**dwardus Dei Gratia Rex Angliæ Dominus Hiberniæ & Dux Aquitaniæ, Edwardo Comiti Cestriæ filio suo Charissimo

Salutem, Super diversis & arduis negotiis nos & statum Regni nostri specialiter tangentibus Parliamentum nostrum apud Eboracum a die Paschæ prox' futuro in tres septi'anas teneri & vobiscum & cum ceteris Prelatis Magnatibus & Proceribus dicti Regni habere proponimus colloquium & tractatum.

K 3

Vobis

CHAP.  
VI.

*Vobis Mandamus* in fide & dilectione  
quibus nobis tenemini firmiter injungentes.  
Dictis die & loco omnibus aliis preter-  
missis personaliter interfitis ibidem nobis  
cum & cum ceteris prelati magnatibus &  
proceribus supradictis negotiis tractatur  
vestrumq; Consilium impensur' Et hoc  
Nullatenus omitat' Teste me ipso apud  
Westm' decimo quarto die Martii Anno  
Regni nostri decimo quinto.

Caroli 2. 13.

**C**arolus Secundus Dei Gratia Angliæ  
Scotiæ Franciæ & Hiberniæ Rex  
fidei defensor, &c. Præcharissimo & dilecto  
fratri Jacobo Duci Eborum & Albanie  
magno Admirallo suo Angliæ Salt'm Quia  
de

Advisamento & assensu Consilii nostri  
pro quibusdam arduis & urgentibus nego-  
tiis nos statum & defensionem Regni no-  
stri Angliæ & Ecclesiæ nostræ concernen-  
tibus Quoddam Parlamentum nostrum  
apud Civitatem nostram Westm' octavo  
die Maii prox' futur' teneri ordinavimus  
& ibidem nobiscum ac cum magnatibus  
& proceribus dicti Regni nostri collo-  
quium habere & tractatum.

*Vobis Mandamus* in fide & ligeantia quibus  
nobis

nobis tenemini firmiter injungentes quod CHAP. VI.  
consideratis dictorum negotiorum ardui-  
tate & periculis imminentibus cessante ex-  
cusatione quacunque

Dictis die & loco personaliter interfitis  
nobiscum ac cum magnatibus & proceri-  
bus predictis super predictis negotiis tra-  
ctatur' vestrumque consilium impensur'  
Et hoc Sicut nos & honorem nostrum ac  
Salvationem & defensionem Regni &  
Ecclesiæ predictæ expeditionemque dicto-  
rum negotiorum diligitis nullatenus omit-  
tatis Testeme ipso apud Westm' decimo  
octavo die Februarii Anno Regni nostri  
Decimo tertio.

S E C T. II.

*Observations.*

**I**N *An. 12. Hen. 8.* the words *fidei De-*  
*fensor*, were then added before *Salutem*,  
instead of *Super diversis causis*. The latter  
Writs are *Quia de advisamento & assensu*  
*concilii nostri pro quibusdam causis*, yet  
I find the word *Quia* us'd in the great  
Councils or Parliament Writs, before *Edw.*  
*2ds.* time, and probably the words *assensu*  
*Concilii nostri* is added to shew the di-  
stinction of his *Privy-Council* and his  
*Publick Council* or *Parliament*.



CHAP. 2. Instead of *Specialiter tangentibus*, the  
VI. latter Writs are *concernentibus quoddam*.

3. Instead of *habere proponimus*, the latter Writ is *teneri ordinavimus*, and *habere* is put in between *Colloquium* and *Tractatum*.

4. *Ligeantia* is put in the latter Writs instead of *Dilectione*, this word *Dilectione* being for many Ages particularly apply'd to the Episcopal Writs.

5. The latter Writs do contain all that are in the more Ancient, (except the Insertions of some Causes of Summons, and some enlargements added upon Emergent occasions) *viz. quod consideratis dictorum negotiorum arduitate & periculis imminenti-  
bus cessante Excusatione quacunque*.

6. And also those words are added near the end of the latter Writ, *viz. Sicut nos & honorem nostrum ac Salvationem & Defensionem Regni & Ecclesiæ predictæ expeditionemque dictorum negotiorum diligitis*, which additions are only more full Expressions to oblige the Attendances of the Grandees.

Thus having shewn the Exemplar Writs to the Bloud Royal, Ancient and Modern, I shall set down such Earls, Dukes, or Princes of the Bloud Royal to whom this Exemplar Writ was directed, even to this time, according as they are either in the Clause Rolls in the Tower, or in the *Pawns* in the Pettibag-Office, which I shall recite  
in.

in *English*, though the Writs are in *Latin*. CHAP. VI.

S E C T. III.

**T**He Exemplar Writ was then to *Edward Earl of Chester*, Eldest Son to King *Edw. 2d.* and by vertue of this Writ, this Prince had his Exemplar Writ but for this one Parliament, and was soon after King *Edw. 3d.* *Obs. I.* *Exemplar. 15 Edw. 2.*

2. To *Edward Prince of Wales* and Earl of *Chester*, Eldest Son to *Edw. 3d.* and this Prince had Exemplar Writs for 9 Parliaments, viz. 3 *Edw. 3.* 4. *Edw. 3.* and 4. *Edw. 3.* 5. *Edw. 3.* 25. *Edw. 3.* 27. *Edw. 3.* 28. *Edw. 3.* 29. *Edw. 3.* 42. *Edw. 3.*

3. To *Thomas Earl of Norfolk*, soon after created Duke (Marshal of *England*, great Uncle to *Edw. 3.* who had his Exemplar Writ but for this one Parliament. *4 Edw. 3.*

4. To *Henry Earl of Lancaster*, (soon after created Duke, (Son to *John the 4. Son of Edw. 3.*) who had Exemplar Writs in this Kings and *Richard 2.* and *H. 4ths.* time, for 7 Parliaments, viz. 14. *Edw. 3.* 17. *Edw. 3.* 18. *Edw. 3.* 22. *Edw. 3.* 25. *Edw. 3.* 23. *Rich. 2.* 1 *Hen. 4.* as Duke of *Lancaster*. *14 Edw. 3.*

5. To *John Duke of Lancaster*, (who then was *37 Edw. 3.*

CHAP. was King of *Castile* and Duke of *Aequi-*  
 VI. *tane*) the 4<sup>th</sup>. Son to *Edw.* the 3. as afore-  
 said, and Uncle to *Rich.* the 2.) who had  
 Exemplar Writs for 17. Parliaments in  
 this and *Rich.* the 2<sup>ds</sup>. time, viz.

37 *Edw.* 3. 38 *Edw.* 3. 1 *R.* 2. 3 *R.* 2.  
 4 *R.* 2. 7 *R.* 2. & 7 *R.* 2. & 8 *R.* 2. and  
 8 *R.* 2. 9 *R.* 2. 13 *R.* 2. 14 *R.* 2. 15 *R.* 2.

Exemplar. 17 *R.* 2. 20 *R.* 2. and 20 *R.* 2. 21 *R.* 2.

50 *Edw.* 3. 6. To *Richard* Prince of *Wales*, (Duke of  
*Cornwall* and Earl of *Chester*, Grand-child  
 to *Edw.* the 3<sup>d</sup>. and Son to *Edw.* the for-  
 mer Prince of *Wales*, and afterwards King  
*Richard* the 2<sup>d</sup>.) who had an Exemplar  
 Writ but for this Parliament, and at the  
 opening thereof he did sit in the Kings  
 Chair.

10 *Ric.* 2. 7. To *Edmund* Earl of *Cambridge*, Duke  
 of *Clarence*, and first Duke of *York*, ( the  
 5. Son of *Edw.* the 3<sup>d</sup>.) who had Exem-  
 plar Writs for 3 Parliaments, viz. the 10.  
 11. 12. of *Rich.* 2. as Duke of *York*.

11 *Ric.* 2. 8. To *Thomas* Duke of *Glocester* Uncle to  
 the King, who had one Exemplar for one  
 Parliament.

1 *Hen.* 4. 9. To *Henry* Prince of *Wales* and Duke  
 of *Cornwall*, who had his Exemplar Writs  
 for 9. Parliaments in his Fathers life time,  
 and was after King *Hen.* the 5<sup>th</sup>. viz. 1 *H.*  
 4. 2 *H.* 4. 3 *H.* 4. 6 *H.* 4. 7 *H.* 4. and  
 7 *H.* 4. 9 *H.* 4. 11 *H.* 4. and 13 *H.* 4.

To

10. To *Thomas* the 2d. Son of *Hen.* the 4th. Duke of *Clarence* and Earl of *Albemarle*, had Exemplar Writs for 7 Parliaments, in this and *Hen.* 6th. Reign, viz. 1 *H.* 5. 3. 4. 5. of *Hen.* the 5th. and in the 1st. and 6. and 3 *H.* 6. CHAP. VI. Exemplar. 1 Hen. 5.

11. To *John* Duke of *Bedford* 3. Son to *Hen.* 4th. who had Exemplar Writs for 5 Parliaments in this and *Hen.* 6th. Reign, viz. 8 *H.* 5. 4. and 4. 11. 14 *H.* 6. 8 Hen. 5.

12. To *Humphrey* Duke of *Glocester*, (the 4th. Son of *Hen.* 4.) he had Exemplar Writs for 10 Successive Parliaments, viz. 4. 6. 9. 10. 15. 18. 20. 21. 25. and 25 *H.* 6. 2 Hen. 6.

13. To *Rich.* Duke of *Tork*, (Grand-child to *Hen.* 4. and Eldest Son to *Edw.* the 4. when Duke of *Tork*) who had Exemplar Writs for 4 Parliaments, viz. 27. 29. 31. 33 *H.* 6. 27 Hen. 6.

14. To *George* Duke of *Clarence*, (3d. Brother to *Edward* the 4th.) who had Exemplar Writs for 3 Parliaments, viz. 7. 9. 12. *Edw.* 4. 7 Edw. 4.

15. To *Edward* Prince of *Wales*, (Eldest Son to *Edward* the 4th.) who had Exemplar Writs for Two Parliaments, and after was King *Edward* the 5th.) viz. 22. and 23. *Edw.* 4. 22 Edw. 4.

Note,



CHAP.  
VI.

Note, That from this time to the 21. of *Hen.* the 8<sup>th</sup>. we are disappointed of the knowledge of any Exemplars, and from thence to the 21. of King *James* there are no Exemplar Writs to any of the Bloud Royal, only to other Lords Temporal, as will be shewn in its proper place; but in the 21. of King *James*

Exemplar.

21 *Jacob.*

16. An Exemplar Writ was to *Charles* Prince of *Wales*, Duke of *Tork*, for that one Parliament, who was afterwards King *Charles* the First.

15 *Car.* 1.

17. To *Charles* Prince of *Wales*, who had an Exemplar Writ for one Parliament, and after was King *Charles* the Second.

13 *Car.* 2.

18. To *James* Duke of *Tork*, who sat by vertue of the aforementioned Writ in the Parliament begun the 8<sup>th</sup>. of *May*, 1661. to the end thereof.

## SECT. IV.

*Observations on the Title of York.*

**T** Here were other Dukes of *Tork* besides these which are mention'd in this Collection, viz. *Edward* the Son of *Edmund* Duke of *Tork*, and upon *Edwards* Death his Brother *Richard* was created Duke

Duke of *Tork*, and *Henry* the son of King *Henry* the 7<sup>th</sup>. was created Duke of *Tork*, who after was stiled King *Henry* the 8<sup>th</sup>. but these 3 Dukes of *Tork*, being not mention'd in any Clause Rolls to have Exemplar Writs, I have omitted them in the Register of Exemplars.

2. The City of *Tork* was dignified with the Title of an Arch-Bishoprick ( in the year 180 as some say ) but all agree that *Taurus* was Arch-Bishop there in the year 610. ) and also with the Title of a Dukedom in the 10<sup>th</sup>. year of *Ric.* the 2<sup>d</sup>. whereas *London* the Metropolitan of *England* hath onely a Bishoprick, but no Dukedom, Earldom or Marquessate appropriate to it, and in *Anno* the Civil Government of the City was honour'd with the Title of a Lord Mayor, as it was at *London*, but how far the equivalency of that Title extends to those two Cities, will be further discours'd when I speak of *London* in its proper place, and in my Annotations.

3. Whilst the quarrel continued between the Dukes of *Tork* and *Lancaster*, which lasted for many Ages, *Tork* had the Title of *White-rose*, the *House of Lancaster* call'd the *Red-rose*, till both were inoculated into one Stock of *Hen.* 7<sup>th</sup>.

4. The Title of this *James* Duke of *Tork* and *Albany*, (in *Scotland*) is the same which was

CHAP. VI. was given by King James to Prince Charles (afterwards call'd King Charles the First) being first created Duke of Albany, &c. and at 4 Years of age Duke of York; but

## S E C T. V.

*Of Consimilar Writs to the Royals Exemplars.*

NOW I should proceed to the Consimilars of these Exemplars, but in respect that they consist of a very great number, and it were too great a labour to treat of all Consimilars; I shall forbear to recite them. Especially being in hopes that my Learned Friend Sir William Dugdale will publish a particular Treatise of them, and ease me of that labour; so as I shall only take notice here of the Writ for this Parliament to Prince Rupert, (the Sisters Son to King Charles the First) and this is Consimilar in all parts to the Duke of Yorks Exemplar, (except in the Title), so I need not set it down at large, but by abbreviation shall thus render it, viz. *Carolus, &c. Rex, &c. Præcharissimo Consanguineo Duci Cambriæ Salutem,* and so *Verbatim* with the Dukes Exemplar. Duke of Cumberland being his English Title.

SECT.

*Observations on these Consimilars.*

1. **F**irst in most of the Clause-Rolls and *Pawns* from the 15. of *Edw.* the 2. to this time, after the Exemplar Writs are set down, these words following are in the Clause-Rolls and *Pawns*, viz. *Consimilita Brevia diriguntur Subscriptis*, and in some, *Consimiles Literæ* (instead of *Brevia*) *directæ Subscriptis*, and in some, *Consimiles Literæ directæ Conscriptis*, thereby seeming to retain the ancient words of *Patres Conscripti*, which the *Romans* did usually apply to their Elected Senators. But here it is only *Consimile Breve*, in the singular, *Dirigitur præcharissima, &c. Ruperto*, there being no other of the Bloud in *England*.

2. Princes of the Bloud have been Consimilars, when Princes of the Bloud have been Exemplars, as in the 25 *Edw.* 3d. *Edward Prince of Wales* was Consimilar to *Henry Earl of Lancaster* his Uncle, of the Bloud; but not where any were Exemplars who were not of the Bloud: and so many more might be cited, which may be seen in *Cottons Collections* of the *Tower Records*.

3. In



CHAP.  
VI.

3. In this Consimilar Writ, Prince *Ru-*  
*perts* Foreign Titles are omitted, because  
none of the Peers do sit in the *Lords*  
*House* but in respect of their *English*  
Titles; yet in the Proxy-writs which  
they allow to others, their Foreign Titles  
are recited without scruple, as will be  
shewn in the 10th. Section of the 12th.  
Chapter.

4. I cannot but take notice here, that  
till the Union with *Scotland*, there was a  
Chair plac'd in the *Lords House* on the  
right hand of the Kings Chair, for the  
King of *Scots*, and call'd the King of  
*Scots* Chair. Yet I cannot find by any  
Records of the *House of Lords* or elsewhere,  
that the King of *Scots* did ever sit there,  
or was Summon'd, or had any proxy to  
sit there for him, by vertue of any Exem-  
plar or Consimilar Writ.

And now I shall proceed to the Exem-  
plar for Bishops.

CHAP. VII.

*The second Exemplar,*

viz.

*To the Archbishop of Canterbury.*

**T**He Exemplar for Bishops (of which I am now to speak) is not entred into this *Pawn* in the Pettibag, (which I have recited *verbatim*) as all the other Exemplars are, but it is entred in the Chancery Crown-Office, (an Office of Record also, as I have shewn) being issued after the Parliament was sitting; nor would I have entred it here (in respect my design in this first part is to write only of such Writs as were previous to the sitting of this Parliament) had not I found that the Exemplar for Bishops is constantly entred in all the Clause-Rolls extant, (from the 15 of *Edw. 2d.*) and in all *Pawns* extant, (from the 21 of *Hen. 8.*) except in this of the 13. *Car. 2d.* which omission (proceeding from the reasons which will

Section  
I.

L

be

CHAP. be given in the following Chapter ) was  
 VII. upon the first sitting of this Parliament rectified ; and therefore I thought fit rather a little to deviate from my method, than to defer or puzzle the Reader with the discourse of it at too great a distance from all the other Writs of Summons, of which I intend to treat according to the order of the *Pawn*; and so I crave leave, as most suiting to all former precedents, to treat of this Exemplar in the second place, especially having the *Act of Precedency* unrepeal'd also to justify my proceedings.

2. Before I proceed to discourse of Archbishops or Bishops, it is convenient to look back to the several Titles which were given to those who were Managers of the Religion practis'd in this Island, before the name of Bishop was here known.

This Religion was by the *Jews* call'd *Paganism*, and the Professors thereof *Pagans*, *Panims*, *Ethnicks*, *Gentiles*, *Heathens* and *Infidels*, which Titles are all of the same nature. The word *Pagan* comprehending the other five, only the word *Infidel* was not used till after Christs time; and then those who did not believe the Christian Religion, were by the Christians called Infidels or Unbelievers; but the word in *Hebrew* for *Pagan* was used (after the building of *Jerusalem* by *Melchizedeck*,

zedeck, before call'd King of *Salem*) when CHAP.  
those who did live in neighbouring Vil- VII.  
lages or more remote places, and not coming to partake in the Devotions offer'd to God in *Jerusalem*, were from *Pagus* a Village called *Pagani*, or refusers of that Religion which the *Hebrews* did practice there ; and whoever afterwards were not of the *Hebrew* or *Jewish* Religion, were called *Pagans*, &c. (as *Plautus* calls all who were not *Grecians*, *Barbaros*, or *Barbarians*) So that the *Pagan* Religion is to be esteem'd, but as the *Hebrew* or *Jewish* Religion adulterated by the Progeny of *Noah*, who (growing numerous) spread themselves into many parts of the World, and by mixing with other Nations perverted their Primary Religion (which they had from *Noah*, (and afterward more methodically dictated from their High Priest *Melchizedeck*) into *Paganism*.

This mixt Religion was brought into this Island by *Mesech* the 6th. Son of *Japhet* the Son of *Noah*, who here call'd himself *Samothes*, and after *Samothes*, *Magus*, *Shanon*, *Druis*, *Bardus*, *Longobardus*, and *Celtes*, succeeded each other ; (Seven in all) who being Priests were also call'd Princes of this Island : The *Hebrews* (and *Welsh* (who some say had most of their native Language from the *Hebrew*) using



CHAP. the same word for Prince and Priest.

VII. These Seven were men of great learning, gain'd partly by tradition from *Noah*, and partly by being contemporary with *Sibylla Samia*, and *Pythagoras*; from one they learned the Prophecies of Christs Incarnation and Sufferings; from the other, the high speculations of the Souls immortality and transmigration: of which I shall speak more in my Annotations.

Of these and the Founders of this Religion, and their Doctrines, I shall give a more large account in my Annotations, as well for the vindication of that discountenanced Book of *Berosus*, publisht by *Johannes Anniius*, as to free this Island from the common imputation of a pitifull illiterate sort of People, which either the laziness of later Writers, (though otherwise deserving) inclin'd them to think it not worth their while to abstract the notions of what was true, from what was meerly fabulous; or the Maliciousness of others, whose interest it was to suppress the Records of the Ancient Renown of this Island; such as might have demonstrated their variety of knowledge in all kinds of Literature.

For the present I shall only select two of those 7 Wisemen of *Brittain*, as most eminent in Philosophy, Policy, and Mat-  
ters

ters Divine, viz. *Druis* and *Bardus*. CHAP.

VII.

*Druis* is set forth in History to be Master of *Pythagoras*, (from whom tis also said that *Timagoras* brought the Greek Letters to *Athens*) He took upon him to be Judge in Causes Ecclesiastical and Civil; and performed all the Rites and Ceremonies of that Religion in *Groves*, (imitating the Idolatrous *Jews*) which *Groves* chiefly consisted of Oaks, (as a Tree sacred to *Jupiter*) and from thence (say they) he took his name *Druis*, ( $\Delta\rho\upsilon\varsigma$  signifying an Oak) however he was Founder of the Sects called *Druids* in this Island.

The other was *Bardus* the Founder of the Sect of the *Bards*, Learned also in Magick-Philosophy, (in the best sence, as Studiers of Wisdom and Inquirers into the energy and activity of natural Agents) and Politicks; but they were more Famed for their skill in Poetry and Musick; and thereby did cheerfully Sing Rime, and so (like *Orpheus*) charm men into Civil Religion, and Heroick Actions.

From these did spring (as I said) the two Sects of *Druids* and *Bards*; which our *Brittish-Welsh*, *Roman* and *Saxon* Histories do so often mention, that there is no doubt concerning them.

CHAP. VII. The *Bards* continue even to this day in some parts of *Wales*, (of which I shall speak more) but the *Druids* being afterwards more imployed in the Priestly Functions, and growing numerous when the *Romans* were Possessors of this Island, (and had divided its Government into Three Provinces) they also committed the charge of the Religious Duties within these 3 Provinces, to Three of the chiefest *Druids*, (altering their Title from *Druids* into *Archflamins*, and the lesser *Druids* into the Title of *Flamins*, (for so was the Ecclesiastical constitution among the Old *Romans*) the chief of the Three *Archflamins* being there called *Flamen Dialis*, or *Jupiters Archflamin* or High Priest; and as those there, were Subject to the Senate, or Empire of *Rome*; so now these here, were Subject to the Emperors, Kings, or Governours of this Island, not disputing their power to alter, put in or out, as they saw just cause.

These *Archflamins* and *Flamins* continued till some time after the coming of Christ; but when they perceived that the Oracles of the *Sibylls* (which they had so long adored) were fulfill'd by the coming and passion of Christ) and that all Oracles were ceased, these *Flamins*, *Druids* and *Bards*, did give way to the Christian Institutions, (as will be shewn.)

But

But to reduce this Section to the subject CHAP. VII.  
in hand, it doth appear by our most Ancient Histories, that these *Druids* and *Bards* were consulted with both in Peace and War, both in the *Brittish*, *Romans*, and *Saxons* time, even to the coming of Christ; though the form of their Councils and mixing with the Laicks, do not appear (for reasons before alledged) now. I shall proceed to shew the Institution of Christianity instead of *Paganism*, and then the Titles of such as did manage it in this Island, and how they were still mixt in Civil Councils.

3. The Religion which succeeded *Paganism* in this Island, was the Christian, which had its denomination from Christ; who may be said to have been before his death in this Island, Prophetically, Personally, and Nominally; but least I should divert the Reader too much from the method intended in this Treatise, I shall refer the discourse of those 3 points to my Annotations.

But concerning the introducing of Christianity into this Island of *Brittain*, what is most credited in our Histories, is, that *Joseph* of *Arimathea*, (the same who beg'd the Body of Christ after his Crucifixion) with 12 Disciples more, are said to plant it here within Thirty Years



CHAP. after Christs Resurrection; and *Aristobu-*  
 VII. *lus* (being, before his coming, Ordained  
 Bishop of *Brittain*) was one of the 12  
 which were sent with *Joseph* to take care  
 of his charge here: and this is that *Ari-*  
*stobulus* mentioned by St. Paul in his E-  
 pistle to the *Romans*, Cap. 16. Verse 10.  
 who was the first Bishop we in these parts  
 hear of, (being 5 years before any was  
 made Bishop of *Rome*) which brings me  
 to the discourse of the several Titles of  
 such as were the first Managers of Chri-  
 stian Religion.

4. The first Titles which were given to  
 the Managers of Christianity, were to Christ  
 himself, who by St. Paul, *Matth.* 21. 4.  
 is called the Prophet of *Nazareth*, and  
 by St. Paul, *Heb.* 3. 1. High Priest and  
 Apostle, and He by his Divine Authority  
 did constitute 12 Apostles (*Matth.* 10.  
 1. and *Luk.* 6. 13.) by particular names)  
 who were called both Disciples and Apo-  
 stles: but the Selected 12. were of an  
 higher nature; for some of them were  
 also called Evangelists, (and none of the  
 Disciples had that Title, except St. *Luke*,  
 one of the 4. nor any call'd an Apostle,  
 (except those 12.) but St. Paul, *Gal.* 1. v. 1.  
 And these 12 Apostles were of so eminent  
 a Degree, that it is said in the *Revelations*  
*Cap.* 21. and 14. that the names of the  
 Twelve

Twelve Apostles were writ on the 12 CHAP.  
Foundations of the Heavenly Jerusalem. VII

After these 12. Christ did Constitute 70. other Disciples of a lesser Degree; but the names of these 70. are no where certainly to be found; however we have the Scripture to justify the number of Seventy; and there were also those who were called *Presbyteri*, also Deacons, of which Deacons the Ecclesiastical Stories tell us of 7. by name, but no number of the names of the *Presbyteri*; however these remaining Apostles, Disciples, Presbyters and Deacons, were soon reduced into the Title of Bishops, (in all places) not by ordinary Institution, but by an higher and a more extraordinary Function; and these Bishops among themselves had also several eminent Titles of distinction, (within few years after Christs death, according as their charge of Souls did extend) viz. *Episcopus*, *Patriarcha*, *Archiepiscopus*, *Papa*, *Presbyter*, *Inspector*, *Pastor*, *Curator*, *Observator*, *Minister*, & *Custos animarum*, which 7 last Titles being but descriptions of the Office of the 4 chieft, viz. Bishops, Patriarchs, Archbishops and Popes: I shall speak first of these 4.

5. It is evident that the first eminent Title in the Ecclesiastical affairs of Christianity, was

CHAP. was the Title of Bishop; the *Presbyteri*  
 VII still submitting to the Bishop whenever  
 he was placed over them.)

This Title of Bishop (as I said) was placed on some of the Original Apostles and Disciples; as St. James, St. Mark, &c. for the word *Episcopus* doth properly signify one that doth Inspect or Circumspect all the concerns of Christian Religion; so as those who live under him may be instructed to a Good and Pious Life suitable to the Rules of Christianity, (whose duty is more particularly exprest in St. Pauls First Epistle to Tim. Cap. 3.) so that the word *Episcopus*, as the Superior Order, was more generally used than any other Title wherever Christianity was practised; Yet other Titles were also used in several parts of the World, as they did agree with the Idiom of their native Language, viz. The *Hebrews* called their Bishop *Princeps*, *Sacerdos*, *Patriarcha*. (*Patriarcha* was also apply'd to the Fathers or chief of every one of the 12 Tribes as upon a Civil account, so also upon the Ecclesiastick) The *Syrians*, *Presbyter*, *Pastor*, *Minister*, and *Curator animarum*: The *Arabians*, *Pastor*, and *Observator animarum*: The *Æthiopians*, *Papa*, *Pastor*, and *Custos animarum*: The *Græcians*, *Patriarcha*, & *Archiepiscopus*,  
 &

& *Pastor animarum*, (all which are thus so rendred into *Latine* by Dr. Walton's *Polyglotta* from the Oriental tongues;) so as the 4 chief Titles and the others having but one signification, and those Titles dispersed into several Regions, every one using what they thought fit in their own Territories, I shall only betake my self to *Episcopus* and *Papa*, as having been used not only in *Brittain* and *Rome*, but more universally in most parts of the World, (unless we admit *Presbyter* from *Presbyter-Johns* Country to be an Ecclesiastical Title) So having shewn the meaning of the word Bishop in general, the Antiquity of it is not to be past over. The *Jewish Græcians* did use it in their Old-Testament, for in *Psal.* the 109. 28, they read *Episcopatum ejus accipiet alter*, (which very Text St. *Luke* cites in the First of the *Acts* v. 20. upon the Election of *Matthias* to be an Apostle, (instead of *Judas*) viz. Let another take his Bishoprick, which shew that the word was in use among the *Græcians* before Christs time, and was no new imposed word upon the Christians, but a compliance with *Jewish* Titles to win the circumciz'd Jews in *Greece*; and this may be said, that though *Rome* did change the name from Bishop to Patriarck, Archbishop, and Pope, which signifies



CHAP. signifies no more than Father or chief Father, yet *Brittain* hath been very constant to the name of Bishop, and did not take upon it Archbishop till the Emperor *Constantius Chlorus* or the Pope, thought it worthy of that Title.

6. In this Section I place *Brittain* before *Rome*, because our Histories tell us that *Aristobulus* was ordained Bishop of *Brittain*, (and *Joseph* of *Arimathea* there with him) 5 years before *Linus*, (the first Bishop of *Rome* was made Bishop of *Rome*) and so now I shall take a short view of the Priority and Successions in both places, relating to the subject of this Treatise.

*Aristobulus* is affirmed, as I said, to be the first Bishop of *Brittain*, and some few years before any Bishop was Constituted at *Rome*; but what the names were of such Bishops as succeeded him, is uncertain; (for the reasons before given) but the Story relates, That about an 100. years after Christ, one *Lucius* was King of *Brittain*, and was the first King of this Island who embraced the Christian Religion. Whereupon he sent *Damianus* and *Fugatius* to *Eleutherius*, then Pope of *Rome*; so it is very probable they were Bishops and Successors to *Aristobulus*, and Instruments of the Kings Conversion; for none else could be supposed to make attempts on  
the

the King, but such whose eminent Titles and Employments did give them the more opportune admission ; and doubtless these were very considerable Persons, especially *Damianus*, whose very name continues at *Rome* even to this day in great renown ; for we find that at one time, a Bishop was of that name, and at another time a Bishop Cardinal, and a Church is still in *Rome*, (dedicated *Sancto Cosmo*, and *Damiano*) belonging to one of the 14 Deacon-Cardinals. These two Bishops, or at least eminent Persons, were sent to *Eleutherius*, to confer about the ordering of the Church-Affairs, and it seems they did acquaint the Pope, (as appears by that Letter) that King *Lucius* had the Old Testament, and the Writings of the Apostles, called the New Testament ; so that the Christian Doctrine being fixt here, there seemed nothing more to be done, than to settle the Discipline, and the means for its support ; wherein it may be justly collected, that the King desired such concurrence with the Pope of *Rome*, as might not disoblige him or the *Roman* Emperour *Commodus*, to whom he was a Tributary, and with whom in all Civil matters this King stood then more fair and quiet than his Predecessors had done before him.

I have

CHAP.  
VII.

7. I have given a brief account of the Managers of the Christian Religion in *Brittain*, from *Aristobulus* to *Damianus* and *Fugatus*, in the time of King *Lucius*. I will now see what was done at *Rome* in that time, concerning which their Histories tell us that *Linus* was the first Bishop, (who according to computation, was 5 years after *Aristobulus* was Bishop of *Brittain*) but St. *Jerome* is as zealous to have St. *Peter* the first Bishop of *Rome* before *Linus*, as *Ireneus* to have *Linus* the First, (two great Fathers of that Church) so that if St. *Peter* be first, then we must account 13 to *Eleutherius*, (before named) if *Linus*, then *Eleutherius* is the 12th. (and with this computation of *Ireneus*, most Histories do agree) The first Eight of these Twelve had no other Title than Bishop; till *Eugenius* the Ninth of that See, took upon him the name of *Papa* or *Pope*, (and afterwards *Hildebrand* call'd *Gregory* the 7th. challenged it as his sole right to be called *Pope*) and so *Eleutherius* being the 4th. *Pope* from *Eugenius*, and the 9th. in Succession from *Linus*, did return a kind Answer to King *Lucius*, by two eminent Persons which the *Pope* also sent, viz. *Helvanus* and *Meduanus*, and with them a Letter, which may be read at large, where-

in the Pope takes notice that the Old and New Testament were then in *Brittain*, and in that Letter (leaving the ordering of Ecclesiastical affairs in *Brittain* to the King) declared him to be Christs Vicar in his own Kingdom: which made King *Lucius* go cheerfully on, and (as History tells us) that whereas the *Archflamins* had been the chief Managers of the *Pagan* Religion in this Isle, (each having one Province) the King reduced those Three Provinces to Two, and placed Two Archbishops therein, and instead of the *Flamins* did constitute Bishops, and so there was an amity between the Archbishops and Bishops of *Brittain*, and the Archbishops or Popes of *Rome*, neither of them struggling for Priority, but still carrying on the work of Christianity.

But the Emperours of *Rome* declining in their power, and the Pope still taking advantage of their declinations, grew at last so considerable with the Emperours, that they could not safely deny them any thing; so that whereas the Emperors of *Rome* formerly had the disposal of their Popes, and the Kings of *Brittain* of their Bishops, (and so other Princes in their Territories) the Popes by degrees did take the power to themselves, to make what Bishops they pleased, to summon Councils, make Decrees,



CHAP. crees, distribute them, and enjoyned obedience to their Universal Jurisdiction, VII. that the name of Pope might be the more authentick.

It was used in many parts of the World besides *Rome*; for (it is said) that about 300. years after Christ, *Nestorius* the Heretick had 6000. Bishops appeared against him, which were under the Government of several Popes, and this was above 300. years before *Boniface* the 3<sup>d</sup>. (Popes increasing as well as Bishops) who obtained of *Phocas* then Emperor of *Rome*, that none should be called Pope, but the Pope of *Rome*; and though *Gregory* (the first) his immediate Predecessor, (but one) declared against it, and many Popes before him, yet *Boniface* having obtained this Supremacy (what he did in other Kingdoms I shall omit) in *Brittain*, to make sure that none should be placed there, but such as should be dependent on *Rome*; he confirm'd *Augustin* a Monk the Archbishop of *Canterbury*, (being made so by his said Predecessor *Gregory*) and soon after, he and 4 succeeding *Bonifaces* filled up all the rest of the Bishopricks, with such Foraigners or others as had a clear dependance on *Rome*, by *Promotions*, *Stipends*, or Forraign Interests, (amongst the rest, *Fælix* a *Burgundian* was

was made Bishop of *Dunwich*, in *Suffolk*, (the fifth Bishoprick then in rank, of which I shall speak more) and so in a few years after, all the Bishopricks which were then, and soon after added, were filled up with his dependents, as also all Abbies, Priors, Monasteries, &c. and so continued to be supplied according to his appointment from *Rome* without any material opposition by the Kings of this Island, (but such as hereafter mentioned.) And having this Power, it was no hard matter to fix themselves into all Councils within this Kingdom; for in all Histories we find them as Actors therein, and in respect of their Ecclesiastical Interests, one of the Estates; and when the name of Parliament was given to our chief Council, they were methodically fix'd in the second rank of the *Pawns*, and so in the *Clause Rolls*: and this place in Parliament was never denied them whilst they continued here. But the Pope's Power and Supremacy over this Island was ever disgusted by our successive Kings; yet being back'd by so great a Temporal Prince (as the Pope of *Rome*) joyned with the Interest which by long continuance they had gained from the Emperours, the Kings of this Island had little success in their struglings. For we see King *John* tried it, to his cost, by

M single

CHAP. single oppositions, without the Kingdom's  
 VII. unanimous Conjunctures. Afterwards *Henry*  
 the Third began again, and other suc-  
 ceeding Kings did try what Parliamen-  
 tary or Municipal Laws could effect, and  
 to that end these following Laws were  
 Enacted.

H. 3.

7. *Henry* the Third, *Anno* 9. *cap.* 33.  
 (being part of the great Charter) that  
 Parliament did grant, That all Patrons of  
 Abbies which have the Kings Charters of  
*England* of Advowson, or have old Te-  
 nure, or possession of the same, shall have  
 the custody of them when they fell void,  
 as it hath been accustomed, and as it is be-  
 fore declared. See *Coke Inst.* 2.

*Henry* the Third, *Anno* 9. *cap.* 36.  
 (being also part of the great Charter)  
 the Parliament did grant, That if any  
 Man should hereafter give Lands to a Re-  
 ligious House, the Grant shall be void,  
 and the Land forfeit to the Lord of the  
 Fee, and in corroboration and Inlarging of  
 this Statute many other Laws were made  
 7 *Ed.* 1. and by 18 *Ed.* 3. & 15 *R.* 2. and  
 23 *H.* 4. called the Statute of *Mortmain*.

*Ed.* 1.

*Edward* the First, *Anno* 35. *cap.* 1. made  
 the Statute *de Asportatis Religiosorum*,  
 wherein it is declared, That the Monaste-  
 ries, Priories and Religious Houses in this  
 Realm were founded by the King and his  
 Pro-

Progenitors, and by the Noblemen and CHAP.  
their Ancestors; and that no Abbot, &c. VII.  
shall lay any Tax on any Religious House,  
to send the same beyond Sea, or carry any  
Goods with them out of the Kingdom;  
and that no Abbots (being Aliens) shall  
impose any Tax, &c.

*Edward the Second, Anno 9. Enacted, Edw. 2.*  
That the King by his Letters may absolve  
Excommunications, where they were made  
in prejudice of his Liberty or Prerogative;  
(to shew the King's Power above Ecclesia-  
stick Censures of the Pope; and this may  
be of great Use.)

*Edward the Third, Anno 25. That the Edw. 3.*  
King went on further by Act of Parlia-  
ment, forbidding (under a *Præmunire*)  
all applications to *Rome* for obtaining any  
Ecclesiastick Preferments, or in Suing to  
the Court of *Rome* for Reversing any Judg-  
ments.

*Richard the Second did back this Statute Rich. 2.*  
with several other Statutes, viz. in *Anno 3.*  
*cap. 3. and Anno 7. cap. 12. & 15. and*  
*Anno 13. cap. 2, & 3. and Anno 16. cap. 2,*  
*& 5. and in these same Parliaments the*  
*Archbishop protested against the Pope's*  
*Authority in England: And good reason*  
*for it, as Sir Richard Baker in his History*  
*tells us, That about this time the Ab-*  
*bots, Bishops, &c. which were placed here*



CHAP. by the Pope, were so numerous, that it was

VII. proposed to him by the *Commons*, that he would please with their Revenues to make 150 Earls, 1500 Knights, 6200 Esquires, and Erect 200 Hospitals for maintaining of maimed Soldiers, &c. But it seems he had not that Courage which *Henry* the Eighth did after assume, and it was needless for one or two to oppose his Power.

H. 4. However, *Henry* the Fourth went on, and in the Second and Seventh Years of his Reign, made Acts against Purchasing of Bulls from the Pope, for Exemptions or Benefices.

H. 5. Also *Henry* the Fifth, *Anno* 5. cap. 4. made Acts against Provisors from the Pope; and all these subject to a *Præmunire*.

H. 6. In *Henry* the Sixth's time, the Bishop of *Winchester*, being made Cardinal, was admitted of the King's Council, with this Protestation, That he should absent himself in all Affairs and Councils wherein the Pope or See of *Rome* were concerned, (which he assented to:) and also he Enacted, That no Alien should be a Broker.

That Priories and Aliens Lands should be seiz'd in time of War.

That no Advowson, Presentation, Collation, or Induction, be made to any Alien

lien of any Benefice or Ecclesiastick Dig- CHAP.  
nity. VII.

That Aliens attending the Queen or King be removed and banished (except those allowed by the Council.)

That Aliens should lodge only in *Eng-lishmens* Houses ; and to serve in War, if able.

That no Priors be Collectors of Disms.

He also confirmed the Statutes against Provisions by the See of *Rome*.

In *Edward* the Fourth, *Richard* the Third, and *Henry* the Seventh's time, there was a Calm to that See ; none of the Laws repealed, but so slenderly used, that they made no great impression at *Rome* ; and though these and former Kings did strive to make their respective Supremacies in Ecclesiastick Matters within their Dominions, and to lessen the Pope's Power and Profit, yet none could substantially effect it, till *Henry* the 8th, who seeing there was no other remedy, and that all Laws against the *Roman* See were evaded, and other Essays fruitless, he fell to't with right down Blows ( which is the only way to master a good Fencer ) as will appear in this next Section.

Ed. 4.  
R. 3.  
H. 7.

CHAP.

VII.

H. 8.

Anno 12.

Anno 21,

22, 23.

Anno 24.

Anno 25.

8. *Henry* the Eighth did so contrive his matters, that he did first ingratiate himself with the Pope by writing (in defence of the Church of *Rome*) a Book against *Luther*; which so affected the Pope, that he immediately sent him a *Bull*; (which is in the same nature of a Patent with us) and therein gave him the Title of *Defensor Fidei*; which he accepted, and for three years, *viz.* in the 21, 22, and 23 years of his Reign went plausibly on, by making several Acts about Wills and Testaments, Mortuaries, and against Pluralities, and Sanctuaries, and Deeds to Churches; but in the 24<sup>th</sup> he began to discover his Opinion, that though he was for the Doctrine of the Church of *Rome*, against *Luther*, yet he had no mind to suffer his Kingdom to be exhausted for the Support of the Court of *Rome*: whereupon an Act of Parliament was made against all Appeals to *Rome*; and the next year, *Anno* 25. That no *First Fruits* should be paid (as formerly, out of this Kingdom) to *Rome*: And in another Act, That not any Imposition should be laid on his Subjects by colour of any Power from the Pope; and then, to secure himself, and rivet his Subjects to him, an Act was made, declaring his Title and his Successor's to the Crown: That being done, an Act of Parliament

liament was made, *Anno 26.* to intitule CHAP.  
him *Supream Head* of the Church of *Eng-* VII.  
*land*; and in the same year a positive Act,  
That no *First Fruits* or *Tenths* should be Anno 26.  
paid out of any Promotions in *England*, to  
the Pope of *Rome*.

In this time the King makes Archbi-  
shops, Bishops, and Suffragans; and in  
the 27<sup>th</sup> year chuseth sixteen Spiritual and Anno 27.  
16 Temporal Lords to settle the Canons  
for the Church of *England*, and erect an  
Office of Augmentation: so, as having  
gained the two points of his Supremacy,  
in opposition to the Church and Court of  
*Rome*, viz. *Defensor Fidei & Supremum*  
*Caput*, one from the Pope himself, the  
other from the Parliament; and settled an  
Office for his purpose: In the same year  
all Monasteries, &c. under 200 *l. per*  
*Annum*, and all the Ornaments, Goods and  
Jewels belonging to those Houses, were  
settled on him and his Heirs by Acts of  
Parliament. And four years after, viz.  
31 *H. 8.* it was Enacted, That the King Anno 31.  
and his Heirs should have all Monasteries,  
Abbies, Priories, and other Religious  
Houses dissolved, or to be dissolved, with  
their Mannors, Lands, &c. And yet it  
is observable, That in this very Parliament  
of 31 *H. 8.* there were twenty *Roman* Bi-  
shops, twenty four Abbots, and two Priors,



CHAP. in all forty six, and but forty four Temporal Lords, the Act for Precedency in the House of Lords made the same year, being not (as I conceive) altogether for regulating Precedencies, but for purging the Abbots, &c. by that Act of Parliament; so as doubtless they lost their Interest more by the King's resolution for expunging them, than by Vote of Parliament.

9. However, the Abbots, Priors, &c. being thus dissolved (their Baronies, by which they did formerly there sit, being disposed of to other persons,) they had no foundation to sit in the Lords House, which caus'd the first great Alteration in the Method of the following Writs, for such as were to sit there, (as will be further shewn.)

And in this great Alteration, doubtless, there was also a Divine Hand; for as Pope *Boniface* the Third (before mentioned) did put out all the *English* Bishops, and placed Foreigners (his creatures) in their rooms, and made many more Bishopricks than he found; so now, by the *Lex Talionis* (Like for Like) *Henry* the Eighth did put out all the Pope's dependents, and placed such Bishops in their rooms as would justify the King's Supremacy here, and renounce the Pope's. And accordingly Bishop *Bonner*,  
*Cranmer*,

*Cranmer*, *Gardiner*, and others, (who wrote against the Pope's Supremacy) were made, one an Archbishop, and the others Bishops. And he also did erect six new Bishopricks, viz. *Chester*, *Gloucester*, *Peterborough*, *Bristol*, *Oxford*, and *Westminster*, (which last, (after one Bishop,) was turned to a Deanary, as now it is) and such of the Nobility and Gentry that stuck to his Resolutions, wanted not Lands and Mannors to gratifie them.

So that, now he had the Lords Spiritual and Temporal and Commons in Parliament, and the Kingdom it self on his side, and even the Nobility and Gentry of *England*, who formerly were almost entire for the Popes Authority, their Judgments were now split in two, some for the Court and some for the Church of *Rome*; and so even the King and many of his Council did live and die in that Persuasion. But he did not think himself safe in carrying on so great an opposition as was like to be, (well knowing how the Papal Interest was dispers'd in all Kingdoms and States of *Europe*) till he had encouraged the offspring of the *Waldenses*, and other opposers of *Rome* in *France*, *Germany*, and in other Kingdoms and States, to revive their Doctrines, as also to imbrace the *Lutherans Centum Gravamina*, and the *Calvinian*  
Insti-

CHAP. *Institutions*, and others less remarkable,  
 VII. (yet all serving to his purpose) whereby, in a few years after, almost all *Christendom* was brought into a Papal and Antipapal Ballance, or rather consisted of Professors of the *Roman* Religion, and Protestors against both the Court and Church of *Rome*, as Usurping and Antichristian.

10. But on the other side, the Pope seeing that he could not by forcible ways withstand this almost universal desertion of him, he made his Applications to several Kings and Princes for his assistance; And at last, by a more plausible way, he did obtain a Council of *Trent*, wherein it is observable, That he did not think fit to move in his Point of Supremacy, till after eighteen years, that That Council had been sitting by Adjournments and Prorogations, and then the Question was, That *Episcopus Locum principalem teneret à Pontifice Romano dependentem*; to which the opposers did so far comply, that they allowed, *principalem Locum sub Romano Pontifice*, but not *dependentem*; so, after that Council had sate nineteen years, (in the sixth of Queen *Elizabeth*) it was dissolved by 4 Legats, 20 Cardinals, 3 Patriarchs, 25 Archbishops, 168 Bishops, 7 Abbots, 39 Proctors, and 7 Regulars of General Orders, without Determining that Point (to the

the satisfaction either of *England* or other Kingdoms and States ) the Dispute of which begot 7 Civil Wars in *France* ( which lasted near 40 years, till within 3 years of *Queen Elizabeths* Death ) also Inquisitions in *Spain* and *Flanders*, Tumults and Wars in *Germany*, and near 40 years Wars in the *Netherlands* between them and *Spain*, and for some few years, Fire, Fagots and Insurrections in *England*.

II. In this Hurly Burly about Supremacy, *H. 8.* left his Crown to an Infant, *Edward* the 6th; who had the Laws against *Rome* corroborated, and his Revenues augmented by Chappels, Chantries, &c. enjoying them but few years; and then the Pope revived fresh experiments by *Queen, Mary* to reverse all, especially after she was Married to King *Philip*, compelling a submission to the Popes Supremacy by Fire and Fagots, so as, in *H. 8.* time and even till now ( upon the suddain Changes of Religion it might be said by the Historian ) *Deus bone hic suspenduntur Papistæ, illic comburuntur Antipapistæ*: but her time being short, the Supremacy was once more revert, and taken up by *Queen Elizabeth*, who managed it with such dexterity ( considering the conjuncture of Affairs in this and other Kingdoms and States ) that it was needless for the

CHAP. VII.

*Ed. 6.*

*Mary.*

*Eliz.*



CHAP. the Pope to make any open Attempts, but  
 VII. by Mariages, Foreign Negotiations, and the assurances given by some of the chiefest Nobility and Gentry of the *Roman* persuasion in this Kingdom (who were, as they pretended, for the Church, and not for the Court of *Romes* Supremacy) of their peaceable resolutions; the Billows of penal Laws seem'd to be calmed, and this Kingdom thought it self as secure, as the pretty *Halcion* in her Nest.

But those who kept to *Calvins* Institutions in *England* and *Scotland*, were finely yock't together to a disturbance; for it being insinuated to them That the Title of *Supream Head of the Church* (given by Act of Parliament) was declined and dwindled into an *Ec.* and that the Title of *Defender of the Faith* (given by the Pope) did only remain with an *Ec.* made them call to mind what was alledged in the Council of *Trent*, That the original of Church-Government was Aristocratical, and Governed by a certain number of the Presbytery, and afterwards it was thought fit to put it into a Monarchical way, viz. by a Bishop (as Superintendent;) and finding that the Popes and Kings of *England* and other Princes, had long disputed about this Ecclesiastical Monarchy, without determination (only in a connivance) they

they thought it convenient to return to CHAP. VII.  
 the Primitive way of Aristocracy, and set  
 up Presbytery (that original Government  
 as was pretended,) and thereupon one & all  
 cried against Bishops (which bravely workt  
 for the Papal interest;) & the clamour pro-  
 ved so geat that the Learned King *James* did  
 what he could by Writing to quiet them, &  
 his unfortunate, though Blessed Son, King  
*Charles* the First tried it by Action, but  
 without Success. For the *Independent*,  
*Anabaptist*, *Fifth Monarchy-Men* and others,  
 coming into the *Presbyters* assistance, he  
 was necessitated after the Wars with *Scot-*  
*land* upon the same grounds, amongst other  
 condescentions to yield (with the Consent  
 of the Lords Temporal, and Commons) 17. Car. 1.  
 and pass an Act for Abolishing the Bishops  
 temporal Jurisdiction in this Kingdom.

Now see what followed; instead of  
 making of Earls, Knights and Squires,  
 and maintaining of Hospitals, as was pro-  
 posed to *Richard* the 2d. (as I said) the  
 Bishops were not only put out of the  
 House of Lords, but the Temporal Lords  
 soon after, and the Knights and Squires  
 seclused from the House of Commons,  
 and the Hospitals, (and all) ruined by an  
 intestine Bloody War, the King Sacrificed,  
 and every one of the Machineers disap-  
 pointed of their original plausible inten-  
 tions;

CHAP. tions; and in conclusion, by most miraculous Turns in Affairs, there was a total submission to a Reestablishment of that Form of Church and State, which they had before so zealously overthrown, and the Bishops again brought into the Lords House.

12. I should now proceed to the Writs, which impowred the Bishops to sit in the Lords House: but first I think it pertinent to shew how these two Titles, of *Fidei Defensor*, & *Caput Ecclesiæ Anglicanæ*, were used, disused, and altered in theirs and other Writs.

Though all the Kings of *England*, at their Coronation, are Sworn to defend the Christian Faith, and the words *defensionem Ecclesiæ Anglicanæ*, having been in most Parliament-Writs since the 11th of *Edward* the 3d. Yet the Pope (as I said, for the good Service which *Henry* the 8. had done, in Writing against *Luther*) sent him a Bull, and therein intituled him *Defensor Fidei*, with this Caution, that it should be placed next his Title to *France*, and before his Title to *Ireland*; and it may be observed, That in the same year he sent the like Bull to the Emperor *Charles* the 5th. intituling him also *Defensor Fidei*; upon which the Emperor took an Oath, not only to be *Defensor Fidei*,  
but

but *Defensor Pontificiæ dignitatis, & Romanæ Ecclesiæ*, i. e. Defender of the Court and Church of Rome. But Henry the 8th, though he accepted the Title, did not think fit to be bound by an Oath; nor do I find that he stiled himself in any publick Acts *Defensor Fidei*, till the 21 of his Reign, and then in a Decree made in the Star-Chamber (which is Printed in Poltons Abridgment) he is Stiled *Defensor Fidei, & in terra Ecclesiæ Anglicanæ & Hiberniæ Supremum Caput*, which was 5 years before the *Supremum Caput* was settled by Act of Parliament; but as a preparative to it in the 22 of his Reign he is stiled *Præpotentissimus & Metuentissimus Angliæ & Franciæ Rex*, and only *Fidei Defensor* is added, and no mention of *Supremum Caput*. Then, in the 30 year of his Reign he is Stiled, *Defender of the Faith, and Lord of Ireland, and on Earth Supream Head, immediately, under Christ, of the Church of England*. In the 32. year he left out the word *immediately*, and the next year the words *under Christ*. So that, in the 33 of his Reign the Title was *Hen. by the Grace of God King of England, France, and Ireland, Defender of the Faith, and of the Church of England, and also of Ireland, on Earth Supream Head*. And thus by making himself King of Ireland, he disobeyed



CHAP. VII. beyed the Pope, in placing *Defender* after *Ireland*; and this Title continued thus all his Life, and the Circumscription on his Great Seal wrot accordingly; and so did his Son, *Edward* the sixth, on His Great Seal, and in Publick Acts. And the like did *Queen Mary* in the first year of her Reign; but upon her Marriage with King *Philip*; in the second year of her Reign, (and first of both) their Title was *King and Queen of England and France, Naples, Jerusalem and Ireland, Defenders of the Faith, Princes of Spain and Sicily, Arch-Dukes of Austria, Duke of Milan, Burgundy and Brabant, Countess of Hasburgh, Flanders and Tyroll*, quite jostling out *Supream Head* during their Reigns.

When *Queen Elizabeth* came to the Crown, the Circumscription of her Great Seal was *Elizabetha Dei gratiâ Angliæ, Franciæ & Hiberniæ Regina, Fidei Defensor*, yet she maintained both Titles of *Defensor* and *Supream* during her Reign.

When King *James* came to the Crown, the Circumscription of his Broad Seal was also *Jacobus Dei gratiâ Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, Fidei Defensor*, and no more; yet he maintained the other Point both in his Government and Writings, as may be read in his *Præmonition to*

all Christian Monarchs, and his Declaration against Vorstius, and his Defence of the Right of Kings against Cardinal Perrone, and in several of his Speeches in Parliament, leaving men at liberty, as Queen Elizabeth did, to use the Title of *Supream Head* in their Pulpits and Evidences as they thought fit; so as the learned *Cambden* in his Dedication of his *Britannia* to King James, instead of *Defensor*, writes him *Propugnator Fidei*.

When King Charles the First came to his Crown, the Circumscription of his Great Seal was *Carolus Dei gratiâ Rex Angliæ, Scotiæ, Franciæ & Hiberniæ, Fidei Defensor*, and no more; yet to justifie both Titles, in the seventeenth year of his Reign he caused the 39 Articles (which were agreed on in the fourth of Queen Elizabeth) to be reprinted, and in the Front did publish his own Declaration in these words: *Being by God's Ordinance, according to our just Titles, Defender of the Faith, and Supream Governour of the Church within these Our Dominions, He therein declares, That the Articles of the Church of England, allowed and authorized heretofore, do contain the Doctrine of the Church of England, and requires his Subjects to continue in the uniform profession thereof. And then, as to the Discipline he further declares himself Su-*

N

pream

CHAP. *pream Governor of the Church of England,*  
 VII. *and that if any difference arise about the*  
*external Policy concerning Injunctions, Can-*  
*nons, or other Constitutions whatsoever*  
*thereunto belonging, the Clergy in their Con-*  
*vocations is to order and settle them,*  
*(having first obtained leave under his Ma-*  
*jesties Broad Seal so to do) and be appro-*  
*ving their said Ordinances and Constitu-*  
*tions.* So here the word *Supream Head* is  
 changed into *Supream Governour*.

When King *Charles* the Second came  
 to the Crown, the Circumscription of his  
 Broad Seal was *Carolus Secundus Dei gra-*  
*tia Angliæ, Scotiæ, Franciæ & Hiberniæ*  
*Rex, Fidei Defensor,* and no more; yet to  
 justify both Titles, the very same year of  
 his Return, *Anno 1660.* he publish'd a  
 Declaration to all his loving Subjects  
 (well worth the reading) concerning Ec-  
 clestiaſtical Affairs, which shews both his  
 Christian condescension to his Subjects,  
 and Justifications to those two Titles for  
 which he is styl'd by Writers *Supream Mo-*  
*derator.*

Now though in all Parliament-Writs  
 which have come to my view, and in  
 other publick Acts, and Writings since the  
 first of *Queen Elizabeth* to this time, af-  
 ter the words *Defender of the Faith* (ex-  
 cept in their Broad Seals) there is added  
 only

only one &c. which I conceive was done CHAP.  
for brevity, and must be understood in re- VII.  
lation to the Act of 36 Hen. 8. never yet  
repealed, and every man had then and  
hath still liberty in their Deeds or Pulpits  
to mention the full Titles, but by de-  
grees, about the year 1640. it began to  
cease in Pulpits, and soon after in Pens,  
contenting themselves with the &c.

These and other matters (seeming trivial,  
though proving dangerous in the conse-  
quences) were yielded to as condescensions  
to gratifie a *dissenting party* in *England*,  
who, very probably, were incited thereunto,  
by underworking Papal Contrivers, being  
excellent Artists in spurring on the least  
humour of Schism in this Church) and so  
dealing in little things till greater were  
ripen'd, in which latter they often made  
Attempts, as may be read in *Queen Eliza-  
beth*, *King James*, *King Charles the First*,  
and this present King's time (yet without  
success) except in the Assassination  
of *King Charles the first*, which was ma-  
nag'd with such dexterity, that it was made  
difficult to judge whether some of the  
*English* Dissenters in those times, or the  
*Romish* Incensors were the chief Actors.  
And after that it was carried on by a subtil  
way of redeeming their credits in this  
King's Preservation at *Worcester*, yet still



CHAP. underhand endeavouring to subvert the  
 VII. whole Fabrick of this Kingdom, as was  
 discovered about the end of this Parlia-  
 ment, 1678. (which determin'd my publick  
 Employments, and therefore shall leave  
 that Subject to other Pens.)

Thus the new Empire of *Rome* and the  
 old Empire of *England* have strugled  
 through many Ages for Supremacy.

It is the Interest of *England* to be quiet  
 within its own liquid Arms, and so increase  
 it self, with other Kingdoms and States,  
 by a real mutual Traffick and Commerce.  
 But it is the Interest of *Rome* to be trouble-  
 some, and increase it self in all Kingdoms  
 and States, without any real commuta-  
 tion or advantage to any but it self.

Yet it is difficult to make the *Dissenters*  
 to the Church of *England* believe that the  
 way which they take in opposing *Rome*  
 will in time be destructive to their own  
 Designs and Opinions. Some of the *Dis-*  
*senters* to the Church of *England* see and  
 know this, yet are so inveigled by such  
*Dissenters* to the Court of *Rome* (who pre-  
 tend to be for that Church, but not for that  
 Court) under a plausible notion of Liber-  
 ty, as may destroy that which they ought  
 to maintain, viz. to prevent the Inunda-  
 tion of *Rome*, whereby they bring it to  
 this Question, Whether they had better  
 com-

comply with a Foreign Interest, which they pretend to hate, or their Native Interest, which they pretend to love; and whether they are not like (by concurring with those pretended half *Romanists*, which they do in effect, by opposing the *English* Constitutions) to fall into that which they pretend to avoid. For these admitting one Error, are subject by those delusions to strike upon greater, because they who now are only for the Church of *Rome* against the Court, will undoubtedly (when they have gain'd their Proselytes) be both for the Church and Court of *Rome*, when they have once the Dissenters of the Church of *England* to be its Opposers; for Dissention mounts as naturally to violent Opposition, as Conspiracies to Rebellion.

And now, craving pardon for this long digression, I shall proceed to the Writs by which the Bishops have been anciently and still are Summon'd to sit in Parliament *Cum Prælati Magnatibus & Proceribus*, giving this Hint, That their Summons to Parliament were still in relation to their Baronies, and their advancements to other Dignities as well Ecclesiastical as Civil, was and is in respect of their great Learning, Knowledge, Fidelity and Experience in Affairs.

CHAP. And now I shall set down the Form of  
 VII. their Writs of Summons both Ancient and  
 Modern.

---

SECT. XIII.

*The Form of the Exemplar Writ to the  
 Arch-Bishop of Canterbury, 15 Edw. 2.*

**E**Dwardus Dei gratiâ Rex Angliæ,  
 Dominus Hiberniæ, & Dux Aquitaniæ,  
 venerabili in Christo Patri Waltero eadem gratiâ Cantuarii Archiepiscopo,  
 totius Angliæ Primati, Salutem. Quia super  
 diversis arduis negotiis nos, itatum  
 Regni nostri specialiter. tangentibus, Parli-  
 amentum nostrum apud Eborum à die  
 Paschæ proximo futuro in tres septimanas  
 teneri, & vobiscum & cum cæteris Prælati-  
 bus magnatibus & proceribus dicti Regni ha-  
 bere proponimus Colloquium tractatum Vobis  
 Mandamus in fide & dilectione quibus  
 nobis tenementi firmiter injungentes, quod  
 dictis die & loco omnibus aliis præter-  
 missis personaliter intersitis ibidem nobis-  
 cum & cum cæteris Prælati Magnatibus  
 & Proceribus supra dictis negotiis tracta-  
 turi vestrumq; Consilium impensuri, Præ-  
 monentes Priorem & Capellanum Ecclesiæ  
 vestræ Cantuariæ Archidiaconos totumq;  
 Clerum

Clerum vestræ Diocessæ quod iidem Pri-  
or & Archidiaconus in propriis personis  
suis dictum Capellanum per unum idemq;  
clerum per duos procuratores idoneos ple-  
nam & sufficientem potestatem ab ipsis  
Capellano & Clero habentes unâ vobiscum  
interfistis modis omnibus tunc & ibidem  
ad faciendum & consentiendum hiis quæ  
tunc & ibidem de communi consilio (faven-  
te deo) ordinari contigerint super negotiis  
antedictis. Et hoc nullatenus omittatis.  
Teste meipso apud *Derby* 10 Martii Anno  
Regni nostri quintodecimo.

*Observations.*

**T**He same reasons which guided me  
in the 3d. Chapter, to begin with  
a Writ in *Ed. 2d.* time to a Prince of  
the Blood, induced me here also to begin  
with a Writ of the same Date, from the same  
King to the Bishops; and here it may be  
observ'd, that this is the first Writ in the  
Tower-Record, wherein the *Præmonentes*  
are added to the Writ, for before this Writ  
(in respect of the Bishops Baronies) their  
Writs were in the same Form, as to the  
Temporal Barons (of which some are  
Cited by Mr. *Pryn* and others) but here  
such of the Clergy as are therein men-  
tioned, *viz.* Priors, Archdeacons, &c. were



CHAP. to be Forwarn'd, Cited, or Summon'd by  
 VII. the Bishops; and yet this Clause of the *Præmonentes* in their Writs was not constantly us'd in after-times; for in some subsequent Kings Reigns since this of *Ed. 2.* it is omitted; but very rarely. And so in some Clause Rolls there are Exemplars to the Archbishop, but no Consimilars mentioned; and likewise an Exemplar to some Temporal Lord, but no Consimilars named, which doubtless was the Error of Clerks, for there are Seal'd Writs of both sorts, extant at such times as they were omitted in the Rolls. But from *Hen. 8.* to this time, there is no material alteration from this Ancient Form; Except in some few particulars, which will be shewn in the following Writs.

---

S E C T. XV.

*The First Writ in the Pettibag amongst the  
 Pawns 21. Hen. 8. is to Cardinal  
 Wolsey Archbishop of York, viz.*

**H** Enricus octavus Dei gratiâ Angliæ  
 & Franciæ Rex Fidei Defensor &  
 Dominus Hiberniæ. Reverendissimo in  
 Christo Patri Thomæ miseratione divina  
 tituli sanctæ Cicilliæ Trans-Tyburinæ Sa-  
 crofanctæ

croſanctæ Romanæ Eccleſiæ Presbytero CHAP.  
Cardinali Archiepiſcopo Eborum, Angliæ VII.  
Primate & Apoſtolicæ ac etiam de Latere  
Epifcopo Wintonienſi nec non exempti  
Monafterii Sancti Albani Commendatorio  
perpetuo Salutem. Quia de adviſamento  
& aſſenſu Concilii noſtri pro quibuſdam  
arduis & urgentibus negotiis nos ſtatim  
& deſenſionem Regni noſtri Angliæ &  
Eccleſiæ Anglicanæ concernentibus quod-  
dam Parliamentum noſtrum apud Civita-  
tem noſtram Londini tertio die Novem-  
bris proximo futuro teneri ordinavimus;  
ac ibidem vobiſcum ac cum cæteris Pre-  
latis Magnatibus & Proceribus dicti Reg-  
ni noſtri Colloquium habere & tractatum.  
Vobis ſub fide & dilectione quibus nobis  
tenemini firmiter injungendo manda-  
mus quod conſideratis dictorum ne-  
gotiorum arduitate & periculis immi-  
nentibus ceſſante excuſatione quacunque,  
dictis die & loco perſonaliter interſitis  
nobis cum & cum Prælatiſ Magnatibus &  
Proceribus prædictis ſuper dictis negotiis  
tractaturum veſtrumque Concilium im-  
penſur' & hoc ſicut nos & honorem  
noſtrum & ſalvationem & deſenſionem  
Regni & Eccleſiæ ſupra prædictorum ex-  
peditionemque dictorum negotiorum dili-  
gitis nullatenus omittatis Præmonentes tam  
Decanum & Capitulum Eccleſiæ veſtræ  
Ebor'

CHAP. Ebor' quam Prior' & Capit' Ecclesiæ vestræ  
 VII. Wintoniæ nec non Archidiaconum totumq;  
 Clerum vestrarum diocesum prædictarum  
 quod iidem Diaconus & Prior nec non  
 Archidiaconi in propriis personis suis ac  
 utrumque Capitulorum prædictorum per  
 unum idemque Clerum per duos procura-  
 tores Idoneos plenam & sufficien' potesta-  
 tem ab ipsis Capitulis & Clero divisim  
 habentes prædicto die & loco personaliter  
 interferint ad consentiendum hijs quæ  
 tunc ibidem de Communi Concilio dicti  
 Regni nostri ( divina favente Clementia )  
 contigerint ordinari. Teste meipso apud  
 Westm' nono die Augusti Anno Regni  
 nostri vicesimo primo.

Consimilia brevia dirigenda Archiepis-  
 copo Cantuariensi & Episcopis subscrip-  
 tis sub eadem dat' viz.

Reverendissimo in Christo Patri Guli-  
 elmo eadem gratiâ Archiepiscopo Cantu-  
 riensi totius Angliæ Primate.

*Cutberto* Episcopo *Londin.* D.

*Johanni* Episcopo *Exon.* D.

*Nicolao* Episcopo *Elien.* D.

*Johanni* Episcopo *Lincoln.* D.

*Laurentio* Episcopo *Sarum.* D.

*Johanni* Episcopo *Carlilin.* P.

*Johanni* Episcopo *Roffensi.* P.

*Roulan-*

*Roulando* Episcopo *Coventry & Lich-* CHAP.  
*ffeldiæ.* VII.

*Henrico* Episcopo *Assanensis.* D.

*Georgio* Episcopo *Landavenfis.* D.

*Thomæ* Episcopo *Bangorensis.* P.

*Gulielmo* Episcopo *Norwica.* P.

*Johanni* Episcopo *Herefordiæ.* D.

*Roberto* Episcopo *Wintoniensis.* D.

*Gulielmo* Episcopo *Bathon. & Wellen.*

*Roberto* Episcopo *Cecestriæ.* D.

*Custodi Spiritualitatis* Episcopatus *Wi-*  
*gorn.* ipso Episcopo in *Remotis* agente.

*Custodi Spiritualitatis* Episcopatus *Dun-*  
*elmensis* ipsa sede vacante.

XX. in all.

---

SECT. XVI.

*Observations on this Writ to Cardinal*  
*Wolsey.*

**T**His Writ, except the Title of it, is like  
that of *Ed. 2d.* yet I have thought  
fit to enter it for some reasons particu-  
larly.

1<sup>st</sup>. For the Eminent nature of the  
Titles which this Cardinal ascrib'd to him-  
self, who had also tryed several experi-  
ments to have been made Pope: and pro-  
bably the Passions of *Hen. 8.* and the  
Cardi-



CHAP. Cardinals disappointments therein, might  
 VII. hasten the dissolution of the Abbots, and other proceedings in order to the lessening the Popes interest here; and this refusal of the Cardinal, may justly give an occasion to say that the *English* have always had hard measure in their Attempts therein; for though the Conclave have admitted above 50. *English* men to be Cardinals, yet (it seems) their Policy hath been not to admit of any *English* man to be Pope (except one in our *Henry 2.* time) called *Nicolas Brakespear*, who being Pope, Intituled himself *Adrian the 4th.*) so that from *Higynus's* time there hath been but one *English* man made Pope (unless *Johannes natione Anglicus, officio Papa, Sexu Fæmina quæ sedet in Papatu An. 20. Mens. 6.* who in English we call Pope *Joane*) be allow'd for one of the 246. Popes to this time, yet the Pope hath exercised the highest Jurisdiction here that *England* could afford, which is a very Partial and unequal way of dealing.

Guffarum.

2. The 2d. reason of Enttring this Writ, is to shew that the Archbishop of *Tork*, was herein the Exemplar to the Archbishop of *Canterbury*, of which there is no Precedent before; for the three Cardinals which were Archbishops, viz. in the time of King *John*, *Edward the 3d.* and

and *Hen.* the 6<sup>th</sup>. were all three Archbishops of *Canterbury*, so as this precedence must be attributed to the Cardinals Dignity above all Archbishops, and not to any irregularity in placing the Exemplar. And here it may be observed, that as the Title of Archbishop did long since leap over the Title of Bishop, and the Titles of Patriarch and Pope, over Archbishops, afterwards, viz. *Anno Christi* 1099. when the Title of Cardinal first began (by Pope *Pascal* the 2<sup>d</sup>. his institution) the Title being rais'd by him, of certain Parochial Priests in *Rome* (of whom he had more confidence) did in effect leap over all the Four other Degrees, and by it had the sole power of Electing Popes, being under their management; so as the Pope hath only the Title left, and the 70 Cardinals the power of Electing him, in which they are unwilling to admit of any *English* man, although if they did, he would be so overballanc'd, that there were no great hazard of his Election. In the mean time, the Conclave is so kind to its own Interest, as to appoint one of those Cardinals to be Protector of *England*, he being at this day Stiled, *Eminentissimus Dominus Franciscus Cardinalis Barbarinus Angliæ Protector*.

3. It may be observed that amongst many other Titles he Intituled himself *Presbyter*,

CHAP. *byter*, to gratifie all interests.

VII.

4. Though *H. 8.* might intitle himself *Fidei Defensor* 8 years before this Writ, yet this is the first Writ on Record wherein this Title is given; and this also is the last Writ, that I find was sent to any Cardinal to sit in Parliament; for though Cardinal *Pool* was Cardinal, and Archbishop of *Canterbury* in Queen *Mary's* time; yet he had no Writ, either as Cardinal, or Archbishop, or both; but the Exemplar was in that Parliament, to the Bishop of *Winchester*, and no Writs to the Bishops of *Canterbury*, *Tork*, *London*, or *Durham*.

5. When this Writ was made, he was Lord Chancellor, yet it is not inserted in the Writ, possibly because Sir *Thomas More* was in Prospect to be Lord Chancellor, and was actually so before the Parliament met. And now having shewn the first Writ among the *Pawns*, I shall proceed to the Writs in the subsequent *Pawns*, and then shew the alteration of them.

The second *Pawn* or bundle of Writs extant in the Pettibag is of the 31 of *Hen. 8th.* wherein the first Writ is to *Thomas* Archbishop of *Canterbury*; and this Writ also agrees with the former (except in the Titles) and with all the Writs to Archbishops, from *Edward* the 2ds. time to this, as they are in the Clause Rolls.

The



The third *Pawn*, or Record of Writs CHAP. VII  
 in the Pettibag, is of the 36 of *Hen. 8th.* which is the remarkable Writ, because it differs from all the former Writs since *Ed. 2ds.* time, both in the Titles and the *Præmonition*; for in this Writ he is intituled King of *Ireland*, and *Supream Head*; but before this, only Lord of *Ireland*. Now as to the Title of King of *Ireland*, *Hen. the 2d.* did give the same to his Son King *John*, but the Pope would not let him enjoy it; nor did any of his Successors assume it, till *Hen. the 8th.* resolved to reassume it in defiance of the Pope, and writ himself King of *Ireland*, instead of Lord of *Ireland*; because, as I said in the former Section, he would not place the Title of *Defender*, before *Ireland*, as the Pope had directed him in his Bull; or it may be in respect the Pope pretended a Title under King *John* to *Ireland*; and as for the other Title of *Supream Head*, though it was given him by the Parliament 12 years before, yet I find it not in any Parliament Writ till this year of the 36. *H. 8.* So that the Preamble, or Titular part of the Writ is thus, *Henricus Dei gratiâ Angliæ Franciæ & Hiberniæ Rex, fidei Defensor, & Ecclesiæ Anglicanæ & Hiberniæ Supremum Caput.* Then for the *Præmonition*, whereas the words *Priorem*  
Capel.



CHAP. *Capellandum* or *Capitulum* were plac'd next  
 VII. unto *Præmonentes*; in this Writ the words  
 were *Præmonentes Decanum & Capitulum*,  
 because Abbies and Priories were newly  
 dissolv'd, and Deanaries Constituted and so  
 the Writs thus alter'd have continued till  
 this Writ for the year 1661. But before I set  
 down the Writ for 1661, I must a little  
 repeat some short progresses and methods  
 ushering in that Writ, for though the Bi-  
 shops were in the year 1641. by an Act of  
 King *Charles* the First, with the Consent  
 of the Lords Temporal, and Commons,  
 disabled from Exercising any Temporal  
 Jurisdiction or Authority; and thereupon,  
 soon after put out of the Lords House (as  
 I have shewn) yet there was no occasion  
 of new Writs to them till the year 1661.  
 and then there could be no new Writs made  
 for their Restauration, till they were  
 restor'd by the same power of King, Lords  
 Temporal, and Commons, by repealing  
 that Act; in order to which the remnant  
 of the Parliament of 1640 (which still  
 continued in several shapes) was by the  
 Kings Consent dissolv'd, his Majesty ap-  
 pointing another to begin in *April* 1660.  
 So the 29th. of *May* 1660. he came suc-  
 cessfully from beyond Seas to confirm it,  
 and this Parliament lasted till *December*  
 following, in which time, as Prepara-  
 tories

tories to the Bishops Introduction, provi-  
fions were made for restoring Ministers

CHAP.  
VII.

who had been outed of their Livings,  
and also Commissioners were appointed  
(who did sit accordingly) to compose  
the differences which might arise between  
the Purchasers of the Bishops Lands and  
the Bishop, wherein they us'd so great  
Lenity, that the Bishops did come into  
their Temporalities; (with some satis-  
faction to both Interests) (after they  
had been injoyed by the Purchasers near  
Twenty Years) and in the same Month  
his Majesty did also set out a Declarati-  
on before mention'd, concerning Ecclesi-  
astical Affairs; and after these Prepara-  
tories, that Parliament consisting of the  
King, Lords Temporal, and Commons,  
being also Dissolv'd, as I said, in *Decemb.*  
His Majesty was pleas'd in *February* fol-  
lowing, to Summon another Parliament  
of the Lords Temporal, and Commons, to  
begin the Eighth of *May* 1661. before  
which time, his Coronation was Solem-  
niz'd, viz. the Twenty third of *April*  
1661. yet before the Ceremony was per-  
form'd, he thought himself oblig'd to  
take Care for the Bishops, (for many  
Ceremonies essential to his Coronation  
were to be perform'd by them) and there-

O

upon

CHAP. upon at a full Council in *Whitehall*, the  
VII. Tenth of *April*, this Order was made :

Ordered by his Majesty, That the Lord Chancellor do forthwith give directions to the Clerk of the Crown, to draw up Writs of Summons to pass his Majesties Great Seal, directed to the most Reverend Father in God, William Lord Archbishop of Canterbury, and Accepted Lord Bishop of York, for Convocation of the Lords, Bishops. Deans, Archdeacons, and the Clergy of their respective Provinces in usual Form.

Accordingly, the Parliament met the said Eighth of *May* 1661. and did sit till the Thirtieth of *July*, where amongst other Acts, one did pass for Repealing the Act of Abolishing Bishops, and Restoring them to their Estates, Dignities, and Places; and so the Parliament Adjourned to the Twentieth of *November* following; after which Adjournment, upon the Twentieth ninth of *August* following, the Writs which were ordered the Tenth of *April* aforesaid, did pass under the Great Seal, and were distributed, so as the Twentieth of *November* 1661. they did take their places in the House of Lords, and have continued

tinued so to do during this Parliament; CHAP. VII.  
and notwithstanding this long deprivation, (wherein the King himself, the Temporal Lords, and the chief of the Commons were Sharers) they may be said to be in the House of Lords upon an Interest of Right, though the Interest of Form in their Introduction was wanting, that Act of Abolition being partly Authentick, and partly not, (for Acts of Parliament are good *Absente Clero*, though not *Excluso Clero*,) and so next I shall shew the Exemplar Writ, as it is entered in the Crown Office, (for it was too late to enter it amongst the *Deposits* or *Pawns* in the Pettibag.)

S E C T. XX.

*The Form of the Writ to the Archbishop of Cantēbury the 29th. of Aug. 1661.*

**R**EX Reverendissimo in Christo Patri prædilecto & fideli Conciliario nostro Gulielmo eadem gratia Archiepiscopo Cantuariensi totius Angliæ Primat' & Metropolitano Salutem. Quia de Advifamento & Affensu Concilii nostri pro quibusdam arduis & urgentibus negotiis nos Statum & defensionem Regni nostri Angliæ & Ecclesiæ Anglicanæ concernen' quoddam Parliamentum nostrum apud Civitatem nostram



CHAP. Westm' octavo die Maii præterito teneri  
 VII. ordinavimus & ibidem nobiscum cum cæteris Prælar' Magnatibus & proceribus dicti Regni nostri Colloquium habere & tractare Vobis in fide & dilectione quibus nobis tenemini rogando Mandamus quod consideratis dictorum negotiorum arduitate & periculis imminentibus Cessante excusatione quacumq' dictis die & loco personalit' interfitis nobiscum ac cum Prælati Magnatibus & Proceribus prædictis super dictis negotiis tractatur' vestrumque Concilium impensur' & hoc sicut nos & honorem nostrum ac Salvationem & defensionem Regni & Ecclesiæ prædict' Expeditionemque dictorum negotiorum diligetis nullatenus omittatis Præmontes Decanum & Capitulum Ecclesiæ vestræ Cantuariæ ac Archidiaconos totumq; Clerum vestræ Diocesis quod idem Decan' & Archidiaconi in propriis personis suis ac dictum Capitulum per unum idemq' Clerum per duos procuratores idoneos plenam & sufficientem potestatem ab ipsis Capitulis & Clero divisim habentes prædictis die & loco personaliter interfuerint ad consentiendum hiis quæ tunc ibidem de Communi Concilio dicti Regni nostri divina favente Clementia contigerint ordinari Teste meipso apud Westm' vicesimo nono Augusti Anno Regni nostri 13. Annoque Dom. 1661.

S E C T.

SECT. XXI.

*Consimilia Brevia dirigenda.*

**T**O the Archbishop of York; *Reverendissimo* Accepted *Archiepiscopo Eborum Angliæ Primati*, (leaving out *Totius* before *Angliæ*) as in the former.

To each of the other Bishops *Reverendo, &c.* as they are entred in the Memorials of the Chancery Crown Office in this following order.

Reverendo	Episcopo	Gilberto	Londini	Vulgo Durham
		Johanni	Dunelmensis	
		Briano	Wincestriæ	
		Gulielmo	Bathon & Wells	Rocheſter
		Roberto	Oxoniz	
		Gulielmo	Bangor	
		Johanni	Ruffensis	Chicheſter
		Mattheo	Elienſis	
		Henrico	Ciceſtriæ	Salisbury
		Humphrido	Sarum	
		Georgio	Worceſtriæ	Minuenſis
		Roberto	Lincolniz	
		Georgio	St. Afaph	
		Gulielmo	St. Davids	Peterborough
		Benjamino	Burgi Petri	
		Hugoni	Llandaff	Carlile
		Richardo	Carlioniæ	
		Briano	Ceſtriæ	Exeter
		Johanni	Exoniæ	
		Gilberto	Briſtoll	
		Edwardo	Norwici	
		Gulielmo	Gloceſtriæ	
		Nicolao	Herefordiæ	

All theſe Writs dated 29. Aug. 1661. except the laſt.

Johanni Episcopo Lichfeildiz & Coventriæ Jan. 30. 1662.

CHAP.  
VII.

There is also the Bishop of *Man Island*, but in respect he hath no Writ to sit in the Lords House, I have not entered him.

Note, That except the two Archbishops and the Bishops of *London*, *Durham*, and *Winchester*, whose Precedencies are settled by the Act of 33. *H. 8.* all the other Bishops are entered into the *Pawns* according to the dates of their Consecrations.

S E C T. XXII.

*Observations on the Writ.*

UPON comparing the Writ of *Edw.* the Second, with the middle Writ of 21<sup>th</sup>. of *Hen.* the Eighth, and the Writ of the 13. *Car. Secundi*, these following Particulars may be observ'd.

First, The Titles of several Kings in their Writs, as well to the Lords Temporal as Spiritual, have varied according to the Successive Kings Increase or Decrease of their Dominions, but more remarkably in *Hen.* the Eighths time, relating to the Clergy (as I have shewn.)

Secondly, All Writs concerning Bishops, from *Edward* the Seconds time and before, to the 13. of *Car. Secundi* inclusive, were directed to the Archbishop of *Canterbury*, as the Exemplar Writ,

in

in respect of his Dignity, except where any CHAP. VII.  
Cardinal was a Bishop of *England*, or the  
Popes Vicar-General, or that the See of  
*Canterbury* was void, or that a Bishop was  
Chancellor; and then the Exemplar Writ  
was directed to that Bishop, and to nei-  
ther of the Archbishops; or if both Arch-  
bishopsricks were void, then to the Bishop  
of *London*.

Thirdly, The Exemplar and Confimi-  
lar Writs to Bishops, have been generally  
plac't in the Clause-Rolls, and in all the  
*Pawns* extant before any Degrees, except  
Princes of the Blood, though their places  
in the Lords House are otherwise.

Fourthly, Sometimes the Writ to the  
Archbishop was without any Epethit to  
his Christian name; but the Epithet of  
the most constant Application was *Vene-  
rabili Archiepiscopo*, and the like to Bi-  
shops; but in *Hen.* the Eighth's time it was  
alter'd, *Reverendissimo* to Archbishops,  
and *Reverendo* to Bishops.

Fifthly, Also an other Title is usually  
in the Bishops Writs; as in the Writs to  
the Lords Temporal, viz. *Prædilecto &  
fidei Conciliario*, which is not in the anci-  
ent Writ; but of late it is entred as an  
addition to such as are of the Kings Privy  
Council, whereof the Bishop of *Canter-  
bury* is for the most part one.



CHAP. Sixthly, In the 36. of *Henry* the Eighth,  
 VII. the Writ is, *Primati & Metropolitano*,  
 which latter word was not extant till that  
 Writ.

Seventhly, In the latter Writs, the  
 words *de advisamento & assensu Concilii  
 nostri*, are entred, which are not in the old  
 Writs, and some other words which are  
 in the Dukes Writ, and not in the old  
 Writs, as may be observed in the Figures  
 which I have placed in that Writ.

Eighthly, And in the *Mandamus*, in-  
 stead of *Firmiter injungentes* to the Tem-  
 poral Lords, the Writs to the Bishops are  
*Rogando Mandamus*; and instead of *Fide  
 & ligeantia* to the Temporal Lords, it is,  
*In fide & dilectione* to the Lords Spiritual;  
 so that to the word *Præmonentes*, the Writs  
 both to the Lords Spiritual and Temporal  
 do agree, as well in the Originals, as Alte-  
 rations, except in those particulars before  
 nam'd.

Ninthly, From the word *Præmonentes*  
 in the Writ, there is a greater Latitude of  
 power granted to the Lords Spiritual, than  
 to the Lords Temporal; for the Lords  
 Temporal are not impowred by their  
 Writs to Summon the Laity, ( who sit in  
 the House of Commons as Representatives  
 of the Commonalty ) but the Lords Spi-  
 ritual

tual are impowred by their Writs, to CHAP. VII.  
 Summon Deacons, Archdeacons, and Proctors  
 to attend the Parliament, ( as Represen-  
 tatives of the Clergy ) who being met  
 at places appointed, ( distinct from the  
 House of Lords, or House of Commons )  
 those places where they meet, have the  
 Titles of Convocations; the Bishops mak-  
 ing the upper Convocation, the Repre-  
 sentatives of the Clergy, the lower;  
 Suting to those two of the Laity; one  
 called sometimes, the House of Lords or  
 Peers, or upper House, the other some-  
 times the House of Commons, or lower  
 House.

The General Writs for this Parliament  
 were dated ( as I have shewn ) the 18th.  
 of *Febr.* 1661. to meet the 8th. of *May*  
 1661. but the Writs to the Bishops were  
 not dated, till the 29. of *August* follow-  
 ing ; yet by these Writs, they are ap-  
 pointed to meet ( *die & loco* ) at the day  
 and place, *viz.* on the Eighth of *May*,  
 and at *Westminster*, as in the General  
 Writs; so as the latter Writs seem to com-  
 mand an Impossibility ; but this is to be  
 understood in a Parliament-sence, *viz.*  
 That the first day of the Meeting of a  
 Parliament, continues to the end of a  
 Session, or Prorogation, and is accounted  
 but as one day, for an Adjournment is  
 but

CHAP. but the continuance of that day; and a  
 VII. passing of Acts upon an Adjournment (as in this case) was not a determining the Session, because they were passed by way of Proviso, That it should not thereby discontinue the Parliament; so that the Bishops being admitted before any Session of determining the Parliament, or before any Prorogation of it; it is to be esteem'd in a Parliament-sence, (as I said) as one day. And so it is in Law; where a Sum is due the Eighth of *May*, payable at *Westminster*, and not paid till the 29. of *August*, and then paid in *London*, and then accepted by the Creditor; it doth bar all breaches or punctilios in Law or Equity, between the Creditor and Debtor.

Besides, If a Parliament continues some Months without Adjournments or Prorogations, in which time many Members of both Houses Dye, so as there is a necessity to send out Writs for a Supply of Members; if the Writs should not issue in a certain Form, with respect to a certain day, though past, it would produce many inconveniencies, attending the Discretion or Indiscretion of Clerks who are to form such Writs; and therefore all Writs though after Prorogations, though many years subsequent, have still reference to the first day of the Parliament, as will be further shewn;

shewn; for it hath been the Wisdom of **CHAR.**  
Parliaments to admit of no variation in **VII.**  
that point.

Next, As to the place of Meeting; the Bishops are Summon'd to meet *Cum Prælati Magnatibus & proceribus*, at *Westminster*, which the Bishops do as to their Co-Interest in the House of Lords; but in relation to the inferior Clergy, the Bishops do meet at *Westminster*, and sometimes Adjourn to such places out of *Westminster*, as the Archbishop or his Vicar appoints; which before the Fire in 1666. was at the *Convocation-House* on the South-side of *St. Pauls Church* in *London*, but since, in *Westminster-Abby*. The Bishops in all this Parliament sit in *Henry the Seventh's Chappel*, (as the upper Convocation) the Deans, &c. in *St. Benedicts Chappel*, on the North-side of the *Abby*; (as the lower Convocation) so as they have distinct Houses or Places from the House of Lords, and House of Commons, as also distinct days of meeting; but always after the Parliament first meets; and so of sitting some days after any Adjournment, or Prorogation, or Dissolution, which is appointed beyond the Lords or Commons, as will be shewn in the Chapter of *Convocations*.



CHAP.

VII

11. Concerning the alteration of *Prior* into *Decanum*, I have given an account.

12. Instead of *favente deo* the later Writs say, *favente divina clementia*.

13. In the old Writs the year of Christ is not added, for it was more than 300 years after Christ, before the Computation was us'd; but in the later Writs it is not omitted.

14. Till about the year 855. there was not above 16 Bishopricks, and then they increas'd to 19 and 21, and in *Hen. 8.* time to 26, and so they have continued ever since; but in all times there have been several Transplacings, and Transmutations; so as the names of the Bishopricks of *Dorchester, Dunwich, Haglested, Synnacester, and Leicester, Landasfirm, Selsy, Sherborn, Chester in Durham, Crediton, and St. Petrocks*, 10 in all, are utterly lost and drown'd in the now remaining 26 Bishopricks.

15. The Bishops being men well Educated, in all Sciences Divine and humane, were still employed by our Successive Kings, as well in matters Temporal, as Spiritual; for I find that of 153 Chancellors, and Keepers of the Great-Seal (from *William the Conquerours* time) there have been 62 Archbishops, and Bishops employ'd in these Offices; and from the first Institution of  
Treasu-

Treasurer ( in *William* the 2<sup>d</sup>'s. time to *CHAP.*  
*Ed.* the 4<sup>th</sup>s. time ) there have been 42. *VII.*  
Archbishops and Bishops, Treasurers, but  
from *Ed.* the 4<sup>th</sup>'s. to this time, no Bi-  
shop hath been Treasurer, except *William*  
Archbishop of *Canterbury*, in *Charles* the  
1<sup>st</sup>s. time, then Bishop of *London*; they have  
been also Chief Justices, &c. But for other  
Offices, in respect I find them not men-  
tion'd in any of their Writs of Summons to  
Parliaments, as additional Titles: I shall  
not make any further inquiries; but indeed  
anciently most of the Judicial Offices in  
the Kingdom or State, were under the  
Care, and Management of the Clergy;  
and therefore the Chancellor, Treasurer,  
Privy-Seal, &c. were called *Clerici*, or  
Clerks, as a distinction from the Laity.  
And being men generally of the greatest  
Knowledge and Learning, were thereupon  
chosen into Offices of the highest na-  
ture.

16. That though (for many Ages before  
the end of *Hen.* the 8<sup>th</sup>'s. Reign) the  
Bishops were then of the *Roman* Religion,  
yet whenever they had the least encour-  
agement from the present Kings of *Eng-*  
*land* ( and sometimes without it ) they  
still oppos'd the Superintendency, and Su-  
premacy both of the Church and Court of  
*Rome* ( as to the Dominions of the re-  
spective

CHAP. VII. *pective Kings of England*) protesting that the same was a destruction of the Realm, and Crown of *England*, which hath always (said they) been Free, and hath no earthly Sovereignty, but onely God in all Regalities, as may be seen in the Parliament Rolls of *Rich. 2d*, *Hen. the 6th.* and in other Kings Reigns, and since *Hen. the 8th.* the Bishops and Clergy under them, have been almost the only Bulwark against the Storms, and Incroachments of *Rome* upon us.

17. It appears by a long concatenation of Records that they have had these various Titles of Honour, viz. in the Latin Records *Archiepiscopi*, & *Episcopi*, *Prælati*, *Pares*, and in such Records as are writ in *French* or *English*, *Archevesq;* & *Evesq;* Archbishops, Bishops, Prelates, Peers, Grantz, Grandees, or Great ones, in distinction of the Lesser Peers, or House of Commons (of which I shall speak more) also *Seigniors* singly, and *Signiors du Parlement*, also Lords, and Lords Spiritual, and Barons claiming onely a Vital Feudal, Tenurial, and not Nobilitated Peerage, in distinction of the Lords Temporal, whose Peerage is Personal, Hereditary, and Nobilitated.

18. Though they absent themselves from the House of Lords upon Tryals of blood,

blood, yet it was, and is still in obedience to the morality of the Canon-Laws; for though those Canon-Laws were practised in times of *Popery*, yet the reasonableness, and conscientiousness of that Law still continues; and now we are free from the bondage of *Popery*, the *Protestant* Bishops still think themselves obliged to it, as the *Papal* Bishops were before, like the 4th. Commandment, which still morally obligeth Us, as formerly it did the *Jews*; yet where they do absent themselves in Cases of blood, it is done by leaving Proxy, or protestation of their Right of Sitting, &c.

19. And lastly it may be very well observed, though their influence and Interest (upon a Spiritual, and Temporal account) is spread over this whole Kingdom, their Revenues great; and thereby their Tenants, Officiates, and Dependents very numerous; yet I do not find in Histories, that the Bishops of *England* did ever raise an Army, to justify their interest against any of our Kings, or against the other two Estates, of Lords Temporal, or Commons, by Sword, or Force; but still supported it by their Pen, or Prayers.

20. Thus I have given an account of the Managers of Religion in this Island;  
and



CHAP. and of the Writs, whereby they were Sum-  
mon'd to Parliaments; and of other great  
VII. employments wherein they have been in-  
trusted, of a mixt nature, part Civil, and  
part Ecclesiastick; and both tending to Re-  
ligious Duties. I should now proceed to  
the Writs which concern Abbots and  
Priors, which till the 36. *Hen. 8.* were  
ever entred next the Bishops in the Clause-  
Rolls, and *Pawns*; but there having been  
no Writs directed to them since the said  
36. of *H. the 8th.* (except two in *Queen*  
*Mary's* time; one to the Abbot of *West-*  
*minster*, the other to the Prior of *St. John's*  
of *Jerusalem*) I shall follow the Method  
of the *Pawns*, since the said 36th. year,  
referring the Discourse of them to the  
Chapter of Dissolutions; and here pro-  
ceed to the third Exemplar Writ, *viz.* to  
the Lord Chancellor, being the first Offi-  
cer of State, and Principal Assistant, and  
now annext to a Barony, and after to his  
Title of Earl, as will be shewn.

## C H A P. VIII.

*The Third Exemplar of the Lord Chancellor, or Lord Keeper.*

**A**mongst the *Romans* this great Officer was called *Actuarius*, *Scriba*, *Notarius*, *Principis præsentis Vicarius*, & *Cancellarius*; and so it came into *France*, and amongst the *Saxons* it had the name of *Referendarius*; but in *England* we do not find this Title of Chancellor, till the first of King *John An. 1199* (though *Lambert*, and others derive it from *Edward the Confessors* time. This Officer continued in so high an esteem, that in the 5th. of *Richard the 2d.* The Commons in Parliament in their Exhibits to the King, desired that the most wise and able man in the Realm might be chosen Chancellor, which made *Budæus* (one of *Hen. the 8ths.* Orators) to give this Description, *Hunc* (saith he) *rerum omnium cognitione, omni Doctrinarum virtutumq; genere instructissimum & ornatissimum, ingenioq; ad omnia versatili, omnia in numerato habere oportere fatendum est.*

This Discription is also to be applied to the Keeper of the Great Seal, which in-

P

vention

CHAP. VIII. vention of a publick Seal, as it was more ancient with the *Romans*, so it seems to be very ancient with us in *England*, (that Office being Constituted by *William* the Conquerer in the Year 1067.) and for the honour of both, (as it is shewn in this Section) *Geffrey* a Natural Son to *Hen.* the Second was Chancellor, and the Queen to *Henry* the Third was Keeper of the Seal.

2. These two Offices were sometimes kept distinct, and sometimes united in one Person, till the Fifth of *Queen Eliz.* and then it was Enacted, That both those Offices should be accounted but as one and the same, and that hereafter both should not be used at one time by distinct Persons.

3. Whilst they were distinct, they had two Seals; the Chancellors was of Gold, and the Keepers of Silver; the Court esteemed *Officina Regis*, and the Seal, *Clavis Regni*; but whenever they were either united, or distinctly executed, still this high Office was managed by Archbishops or Bishops, or by the most eminent Laicks for Learning, Integrity, and Abilities, as may be seen by comparing the History of them with their Catalogues.

4. To manifest their Eminency, it is evident from the Rolls, that in the opening  
of

of all Parliaments, the Lord Chancellor CHAP.  
or Lord Keeper, did constantly, by the VIII.  
Command of the King, shew them the  
reasons of Summoning them, (unless in  
a Vacancy, or on a special account of Ab-  
sence, and then it was performed by one  
of the Chief Justices.

5. But to pass these, (being more fully  
shewn in my Annotations) I do not find  
in any of the Clause-Rolls, or in the *Pet-  
tibag-Pawns*, that a Chancellor or Keeper  
had any distinct Writs of Summons to a  
Parliament, till the 28. of *Eliz.* (when  
*Sir Tho. Bromley* Knt. being the Queens  
Sollicitor, was made Lord Chancellor,  
and Summoned by a distinct Writ, in the  
same Form as is hereafter set down, which  
very Form hath continued ever since. And  
in the 35. of *Eliz.* *Sir John Puckering*  
being but Serjeant at Law, was made  
*Custos Sigilli*, and had a particular Writ  
of Summons to that Parliament; and in  
the 39. of *Eliz.* *Sir Tho. Egerton* Knt.  
being then Master of the Rolls, was made  
*Custos Sigilli*, and had this assisting Writ  
of Summons for that Parliament; and the  
like in the 43. of her Reign; and so in  
the 21. of King *James*; and in the First  
of *Caroli Primi*, particular assisting Writs  
were sent to the Bishop of *Lincoln*, in  
these words: *Reverendo in Christo Patri*



CHAP. *prædilecto & fideli Consiliario nostro Jo-*  
 VIII. *anni Episcopo Lincolnæ magni sigilli Ang-*  
*liæ Custodi*: So as he had this Writ as an  
 assisting Writ, and another Writ *virtute*  
*Baroniæ*.

6. It may here be observed, that this was the only Bishop that was either Keeper or Chancellor, from the First of *Eliz.* to this time; whereas before Queen *Eliz.* for the most part Bishops or Ecclesiasticks did execute those Offices; but whenever it was conferred upon the Laicks, choice was made out of the most eminent Families; as in the 26. of *Hen.* the Second, (as I said) *Geffrey*, Natural Son to *Henry* the Second, was made Chancellor; and in the 15th. of King *John*, *Ralph de Nevile* was made Keeper of the Great Seal; and in 22. of *Henry* the Third, *Geffrey* a Templar, and *John de Lexington*, were made Keepers of the Great Seal; and in the 37. of his Reign, his Queen, upon the Kings going into *Gascoine*, (which is remarkable, as I said) had the Custody of the Great Seal; and in the 45. of that King, *Walter de Merton* was made Chancellor; and in the 49. of that King, *Thomas de Cantilupe* was made Chancellor; and in the 53. *Richard de Middleton* made *Custos Sigilli*; and in the 56. *John de Kirkley*, and *Peter de Winton*, made Keepers  
 of

of the Seal; and in the 2. of *Edward* the CHAP.  
 Third, *Henry de Bugherst* made Chancellor VIII.  
 lor. In the 14. of *Edw.* the Third, *John*  
*de St. Paul* made Keeper of the Seal; in  
 the same year, Sir *Robert Burgtheire* Knt.  
 made Chancellor and Keeper of the Seals;  
 and the like in the 15th. to *Robert Parning*,  
 and in the 17th. to *Robert de Sadington*,  
 and in the 19th. to *John de Offord*, and in  
 the 20. to *John de Thoresby*. In the Re-  
 cords of the same year, it is said that Sir  
*Lionel* Duke of *Clarence*, the Kings Son,  
 (then Lord Keeper of *England*) gave  
 Command by Proclamation, That no Arms  
 should be worn sitting that Parliament;  
 ( whose name is omitted in the Catalogue  
 of the Lord Keepers, by Mr. *Selden* in his  
 Discourse of the Office of Chancellor and  
 Keeper ) and in the 45. to Sir *Robert*  
*Thorpe*, and in the 46. to *John Knivet*;  
 and in the 2. of *Rich.* the Second, to Sir  
*Le Scroop*; and in the 6. of *Rich.* 2. to  
 Sir *Michael de la Pool*; and in the 11. of  
*Hen.* 4. to Sir *Thomas Beaufort*; and in  
 the 32. *H.* 6. *Richard* Earl of *Salisbury*  
 was made Chancellor singly; and in the  
 21. of *Hen.* the Eighth, Sir *Thomas Moor*  
 Knt. made Chancellor and Keeper; and in  
 the 24. of *Hen.* the Eighth, *Thomas Aud-*  
*ley* made Chancellor and Keeper; and in  
 the 36. *Hen.* 8. *Thomas* Lord *Wriothesly*  
 P 3 made

CHAP. made Chancellor and Keeper ; and in the  
 VIII. First of *Edw. the Sixth*, Sir *William Pawlet* Knt. Lord *St. John of Basing*, made Keeper ; and in the same year, Sir *Richard Rich* made Chancellor ; and in the First of *Eliz.* Sir *Nicholas Bacon* Keeper ; and the  
 21. *Thomas Bromley* Chancellor, who continued so to the 28. of her Reign, and was the first that I find, (as is before mentioned) that had a particular Writ of Assistance ; and though in the Fourteenth of King *James*, Sir *Francis Bacon* was Keeper, (in the Eighteenth of *Jac. Henry Viscount Mandevile*, Lord President of the Council, and *Lodowick Duke of Richmond*, *William Earl of Pembroke*, Sir *Julius Cæsar*, had jointly the Custody of the Great Seal ; and in the first *Car. 1.* Sir *Thomas Coventry* ; and in the 16. *Car. 1.* Sir *Edw. Littleton* ; and 21. *Car. 1.* Sir *Rich. Lane*, were Keepers of the Great Seal) yet we find no particular Writs in the Pettibag directed to any, but such as I have before mentioned, and to these which follow, viz. in 15. *Car. 1.* Sir *John Finch* Knt. Chief Justice of the *Common-Pleas* was made *Custos Sigilli*, and had a particular Writ of Summons to attend that Parliament.

7. As to this Writ of 13. *Car. 2.* of which I am to treat, it is to be observed that  
 the

the Warrant ( before mentioned ) sent CHAP.  
to Sir *Edward Hyde* Knt. and Chancellor, VIII.  
to impower him to send out Writs , was  
directed in these words, *To our Right  
Trusty and Well-beloved Counsellor, Sir  
Edward Hyde Knt. Chancellor of Eng-  
land ; but in his Latine Writ of Assistance,*  
the words are, *Prædilecto & perquam fideli  
Consiliario suo Edwardo Domino Hyde  
Cancellario suo Angliæ :* leaving out *Militi  
or Equiti aurato*, and putting in *Domino* ;  
and the reason of this variation ( as I  
conceive ) was, That the Warrant was  
agreed on by the King and Council be-  
fore the Third of *November*, at which  
time he was Baron of *Hindon* ; and there-  
fore in the Warrant he is named only Sir  
*Edward Hyde* Knt. but in the Writ, *Do-  
mino Hyde*, which is the Adjunct Title  
of a Baron, as he then was ; and I find  
before the Parliament met, he was creat-  
ed Viscount *Cornbury* and Earl of *Claren-  
don*, and thereupon had another Writ in  
relation to those Dignities, which was en-  
tered in the *Pawn*, and the entry dated  
the 12th. of *April* before the Parliament  
met, and in the latter Writ he had also  
his additional Titles ; so that I observe,  
that if the Chancellor or Keeper be above  
the Degree of a Baron, he hath his Writ  
according to his Degree, and therein only



CHAP. intimating his Chancellorship or Keeper-  
 VIII. ship, (as is before shewn in the 36. of  
*Hen. the Eighth.* 1 *Mariæ*, &c. But if  
 he be not a Baron, then he hath this  
 Assisting Writ, *Quatenus* Chancellor or  
 Keeper, as may be seen in the former Pre-  
 cedents, from the 28. of *Eliz.* to this Writ  
 of 13. *Car. 2.* If he be a Baron, as I said,  
 he hath or may require a Baronial Writ  
 besides this Assisting Writ; The form of  
 his Assisting Exemplar Writ is as follows:  
 the other will be seen among the Barons.

### S E C T. VIII.

*The Form of the Assisting Writ to the Lord  
 Chancellor or Lord Keeper.*

**C***Arolus Secundus Dei Gratia Angliæ  
 Scotiæ Franciæ & Hibèrniæ Rex  
 fidei defensor, &c. Prædilecto & perquam  
 fidei Conciliario suo Edwardo Domino  
 Hide Cancellario suo Angliæ salutem  
 Quia de advisamento & Assensu Concilii  
 nostri pro quibusdam arduis & urgenti-  
 bus negotiis nos statum & defensionem  
 regni nostri Angliæ & Ecclesiæ Angli-  
 canæ concernentibus quoddam Parlia-  
 mentum nostrum apud Civitatem nost-  
 ram Westmonasterium octavo die Maii  
 proximè futuro teneri ordinavimus &  
 ibidem*

ibidem voibſcum ac cum Magnatibus & CHAP.  
Proceribus dicti Regni noſtri Colloquium VIII.  
habere & tractatum. *Vobis Mandamus*  
firmitur injungend' quod omnibus  
aliis prætermiſſis prædictis die & loco  
perſonaliter interſitis nobiſcum ac cum  
cæteris de Concilio noſtro ſuper dictis  
negotiis tractatur' veſtrumque Conſi-  
lium impenſur' & hoc nullatenus omit-  
tatis Teſte apud Weſtmonaſterium deci-  
mo octavo die Februarii Anno Regni ſuo  
decimo tertio.

Grimſton.

# S E C T. IX.

## *Observations on this Writ.*

**F**Irſt I ſhall ſhew how it differs from  
the Writs to the Nobles ; Secondly,  
How it differs from the Writs to the  
other Aſſiſtants. Firſt, It differs from  
the Writs to Dukes, Marqueſſes, Earls,  
Viſcounts, in theſe particulars.

Firſt, To Dukes and Marqueſſes, the  
Writ is directed *Præchariſſimo Conſangui-  
neo*, to Earls and Viſcounts, *Chariſſimo Con-  
ſanguineo*, to Barons, *Prædilecto & fideli*;  
and to Aſſiſtants only *dilecto & fideli*, but  
this Writ is directed as to a Baron, *viz.*  
*Predilecto & perquam fideli*, yet the body  
of the Writ differs from the Barons ;  
the

CHAP. the word *perquam* is added to *fideli*,  
 VIII. being in no other former Writs, but is a proper word to express our *English Right Trusty*; and here it may not be improperly hinted, that in *English* Supercriptions, *Right Trusty* is placed before *Well-beloved*; but in *Latine* *Well-beloved*, (or *Prædilecto*) is before *Right Trusty*, or *Perquam Fideli*.

Secondly, The words *Sub fide & ligantia*, are in the Lords Writs next to *Vobis Mandamus*, but in all the Assisting Writs, those words are omitted; probably because in former times, the Assistants had not Tenures, but only knowledge of the Laws which occasioned them to be sent for by Writ *Pro Concilio*.

Thirdly, The words (*Consideratis dictorum negotiorum arduitate & periculis imminentibus cessante excusatione quacunque*) in the Lords Writs) are left out in the Assistants Writs, and instead thereof, (*omnibus aliis prætermisissis*) are inserted. In the Mandatory part of the Writ, the words in the Writ are (*ac cum cæteris de Concilio nostro*) instead of (*accum Magnatibus prædictis*) which is the chief distinction between the Peers and the Assistants.

Fourthly, In this part also of the Writ, the Words are only in short, & *hoc nullatenus*

*tenus omittatis*, but in the Lords Writs, CHAP. VIII.  
 ( & hoc sicut nos & honorem nostrum ac  
*Salvationem regni & Ecclesiæ prædictæ*  
*expeditionemque dictorum negotiorum dili-*  
*gitis*) their Lordships being more eminent-  
 ly concerned in the Kingdoms Interests.

Fifthly, In all the *Pawns* extant, and  
 in most of the Clause-Rolls, (after the  
 Exemplar Writ of every Degree or Quali-  
 ty is named,) these words are added, *Con-*  
*similia dirigenda*; but there is no Consi-  
 milar directed to this Writ, and although  
 the Master of the Rolls is an Officer very  
 little differing in many things from the  
 Office of the Chancellor or Keeper, yet  
 his Writ is made a Consimilar to the chief  
 Justice of the Kings Bench his Writ, and  
 not to the Lord Chancellor; the Lord  
 Chancellor standing Exemplar without  
 any Consimilar, (and there are but Two  
 of the same nature in all the *Pawns*, from  
 the 36. of *Hen.* the Eighth to this time,  
*viz.* That to *Chester* and to *Lancashire*, as  
 will be shewn in their order) the true  
 reasons thereof are (as I conceive;)

*1st.* That this Officer is of so transcen-  
 dent a nature, that a Consimilar there-  
 unto were improper, because the Original  
 Warrant for issuing out Writs (as is before  
 recited) is made from the King only to  
 the Lord Chancellor or Lord Keeper, and  
 the



CHAP. the like Warrant not to any others of the  
VIII. Assisting Degrees.

2dly. His Lordship usually, and in most Cases, is necessarily the chief Minister of of State.

3dly. He is the Supream Assistant of all the Assistants in the House of Lords; for he is not only Lord Chancellor and Assistant, but of late years constantly Speaker of that House.

4thly. His Grandeur is such that he hath four places in the Lords House, one behind the King of *Scots-Chair*, the other next to the Dukes of the *Blood*, the third on the first *Woolsack*, 4thly. at the Table (as will be shewn) whereas each of the other Assistants have but one single place, different from those provided for the fixt Nobility (as will be shewn in the Local part.)

6. I cannot conclude this Chapter better, than from Sir *John Davy* (an Eminent Lawyer, in his Epistle to his *Excellent Reports*) who Describes a Chancellor in these words, Saith he, *Is he not ad Latus Principis, to attend him? Auricularius Principis, to advise him? Doth not the King make him the Conduit of his Wisdom, when he useth his Voice, and Tongue to declare his Royal pleasure? Doth he not make him the Organ of his goodness, when he trusteth him*

him with his Merty, and Conscience in sweet-  
ning the bitter waters of summum jus, and  
in mitigating the rigour of Law to his peo-  
ple? Doth he not represent Reverentiam  
Principis in the Power and Authority of his  
Office? In a word, if the greatest honours  
do belong to the greatest vertues (for what  
is honour but a reflection and reward of ver-  
tues) How vertuous a person must he be,  
with what Gifts and Graces, with what Abi-  
lities, with what Ornaments, both of Art  
and Nature must he be indowed and fur-  
nisht? viz. with all Learning, Law, Poli-  
cy, Morality, and especially Eloquence to  
impart and Communicate all the rest: he  
must withall have a long, and universal ex-  
perience in all the Affairs of the Common-  
wealth; he must be acceptable and absolute  
in all points of Gravity, Constancy, Wis-  
dom, Temperance, Courage, Justice, Piety,  
Integrity, and all other vertues fit for Ma-  
gistracy and Government; yet so as the same  
be seasoned with Affability, Gentleness,  
Humanity, Courtesie, without descending  
or diminishing himself, but still retaining  
his Dignity, State, and Honour. Briefly,  
he must be a person of such vertue and wor-  
thiness (that not only his Writ may be ex-  
emplar to other Assistants) but his Life, and  
Conversation a Mirrour, and Example to  
all Magistrates.

He

CHAP. 7. He performs all matters which appertain to a Speaker of that House, whereby he may be said to be the Eye, Ear and Tongue of that great Assembly.

VIII. 8. He is the Inlarger, Explainer, Interpreter, or Pronouncer of the Kings Commands or Pleasure; and that which is further observable, of 72. Officers under his Jurisdiction, more than 44. of them are employed in Parliament concerns; either upon its Summoning, or during its Sitting; (as will be shewn in my Annotations) And as his Warrant is the second Warrant that gives life to a Parliament, and vivacity to its continuance by Sessions and Recesses; so he gives the second *Fiat* to its Dissolution: he hath also an apartment near the Lords House (as will be shewn) for himself to retire to, and for his Serjeant at Arms and others of his Attendants.

Thus having considered the Lord Bishops and Lord Chancellors Writs, I must observe how exquisitely and harmoniously these two Degrees are interpos'd; (both in their sitting in the Lords House, and in the method of their Writs in *Pawns*, and in the *Act of Precedency*) being placed in all of them between the first and second Rank of the Lords Temporal: (as it were) to shew that the Lords Temporal are always to embrace and maintain Religion  
and

and Equity, as the two chief Supporters of a Parliament. CHAP. IX.

I have spoken of the first Supporters to Religion and Equity, *viz.* Princes of the Bloud : and now I shall speak of the other Supporters, (*viz.* the Nobles not of the Bloud, distinctly five Titles, *viz.* Dukes, Marquesses, Earls, Viscounts, and Barons ) but more especially of their Writs which Summon them to sit in Parliament, which will guide me into several observations.

---

C H A P. IX.

*Of the Fourth Exemplar Writ to the Nobles not of the Bloud-Royal ; To the Lord-Treasurer, &c.*

**I**N the Eighth Chapter I shewed the Exemplar Writs to Princes, Dukes, and Earls of the Bloud-Royal ; I am now according to the method of this *Pawn*, to shew the Exemplar Writs to Dukes, Marquesses, Earls, and Barons not of the Bloud. I shall begin with that in *Anno* 1661. being agreeable to that Exemplar (before recited) to the Dukes of the Bloud, from the word (*Salutem*) to the end of the Writ ; but the Preambles to that word do afford variety almost in all Writs,



CHAP. Writs, and therefore before I make the  
 IX. Observation upon it, I shall give a view of  
 the Writ at large (being only abbreviated  
 in the *Pawn*.)

CAROLUS Secundus Dei Gratia Angliæ  
 Scotiæ Franciæ & Hiberniæ Rex  
 fidei defensor, &c. Præcharissimo Consan-  
 guineo suo Thomæ Comiti Southampton  
 Thesaurario Angliæ Salutem Quia de Ad-  
 visamento & assensu Concilii nostri pro  
 quibusdam arduis & urgentibus negotiis  
 nos statum & defensionem regni nostri  
 Angliæ & Ecclesiæ Anglicanæ concernen'  
 Quoddam Parliamētum nostrum apud  
 Civitatem nostram Westm' 8. die Maii  
 prox futur' teneri ordinavimus ac ibidem  
 vobiscum ac cum Magnatibus & Proceri-  
 bus dicti Regni nostri, Colloquium habere  
 & tractatum, vobis sub fide & ligeantia  
 quibus nobis tenemini firmiter injungendo  
 mandamus Quod consideratis dictorum ne-  
 gotiorum arduitate & periculis imminen-  
 tibus cessante excusatione quacunque dictis  
 die & loco personaliter interfitis nobiscum  
 ac cum Magnatibus & Proceribus præ-  
 dictis supra dictis negotiis tractatur'  
 vestrumque Concilium impensur' Et  
 hoc sicut Nos & honorem nostrum ac  
 Salvationem & defensionem Regni & Ec-  
 clesiæ prædictæ expeditionem; dictorum  
 negotiorum

negotiorum diligitis nullatenus omittatis. CHAP.  
 Teste Rege apud Westm' 18. die Febr. IX.  
 Anno Regni nostri 13.

## S E C T. II.

*Observations.*

I. **A**Ll Parliamentary Exemplar Writs of this nature which are extant from the 15. of *Edward* the Second, to the 21. of *Henry* the Eighth, if they were not directed to some one of the Heirs of the Crown, or to Princes, Dukes, or Earls of the Bloud, were still directed to an Earl not of the Bloud, (except Three to Three Dukes in *Henry* the Sixths, and *Edward* the Fourths time) it being evident from what hath been said, That Earls, called in *Latin* *Comites*, was a more ancient Title in this Kingdom, than Dukes; (*Richard* the Eldest Son to *Edw.* the Third, being the first that was so created) but Earls long before; and though *Edward* the Third did create many Dukes more than his Son, which were of the Bloud; yet still to keep the old Title of Earl, and in veneration thereof, (as may be supposed) he in the Fourty Seventh of his Reign did think fit, (as the King usually appoints the Sword to such a Person as he

Q

directs

CHAP. directs to carry it before him ) to grant  
 IX. the Exemplar Writ to an Earl not of the  
 Bloud, for the Parliament to be holden that  
 year, and so did his Successor, as may be  
 seen in this following Table, viz.

47. *Edw. 3. Richardo Comiti Arundel*,  
 who sat one Parliament.

18. *Rich. 2. Henrico Comiti Darby*,  
 who sat one Parliament.

3. *Hen. 5. Radulpho Nevile Comiti*  
*Westmerland*, and the like Writ in the same  
 year, so he sat two Parliaments.

7. *Hen. 5. Henrico Percey, Comiti*  
*Northumbr.* and the like in the same year,  
 and in the Eighth and Ninth of this King,  
 and Twelfth of *Hen. 6.* so he sat five Par-  
 liaments ; ( note that the Christian names  
 and Surnames of *Nevile* and *Percey* are in  
 this Writ, which is not usual to Earls, only  
 the Christian names.

The three Exemplars to Dukes not of  
 the Bloud are in time subsequent to Earls ;  
 for the first Exemplar to a Duke was not  
 till,

28 *H. 6. Gulielmo Duci Suffolciæ*, who  
 sat one Parliament.

38 *H. 6. Henrico Duci Oxoniæ*, who sat  
 one Parliament.

1 *Edw. 4. The third Johanni Norfolciæ*,  
 and the like in the same year, so he sat  
 two Parliaments. And

And then after these Three Dukes, a- CHAP.  
gain to an Earl, viz. IX.

3 *Edw.* 4. *Richardo Comiti Warwick*, who sat one Parliament; so from the 47. of *Edw.* 3. to *Rich.* the 3. there was Eight not of the Bloud, viz. Five Earls and Three Dukes, who had Exemplars.

From *Richard* the Third to the 21. of *Hen.* 8. there is (as I have shewn) a want of Records in the *Tower*; so as the first Exemplar that appears to us in the *Pettibag*, of such as had Exemplar Writs being not of the Bloud, do begin at the 36. of *H.* 8. viz.

36 *Hen.* 8. *Thomæ Wriothsley Militi Domino Wriothsley Cancellario*, he sat one Parliament, and was the year before made Baron of *Titchfeld*, and in the first of *Edw.* 6. Earl of *Southampton*.

1 *Edw.* 6. *Gulielmo Pawlet Militi Domino Senescallo magni hospitii nostri ac Præsidenti Concilii nec non Custodi magni Sigilli*: He was then Lord *St. John* of *Bazing*, and afterwards created Marquess of *Winchester*.

6 *Edw.* 6. *Gulielmo Marchioni Winchester, Thesaurario Angliæ*, (*Thomas Goodrick* Bishop of *Ely* being Chancellor, and had his distinct Writ) this Marquess had his several Writs, viz. in the 6 of *Edw.* 6. and 7 of *Edw.* 6. and 1 *Mariæ*, and 1 *M.* 1. and 2 *Phil.* and *M.* and 2 and 3 *P.* and *M.* and 4 and 5 *P.* and *M.* (in which time the Bi-



CHAP. shops of *Ely, Winchester*, and Archbishop  
 IX. of *York* were Lord Chancellors and had distinct Writs, it being not proper for them, being Lords Spiritual, to be Exemplars to the Lords Temporal;) besides he was Exemplar in the 28. 30. 35. 39. and 43. of *Eliz.* and *Primo Jacobi*, (in which time Sir *Thomas Bromley*, and Sir *Christopher Hatton* were Lord Chancellors, and Sir *John Puckering*, and Sir *Thomas Egerton* LordKeepers, and each of them had distinct Writs) so as it is remarkable, that this *William* Lord *Pawlet* Marquess of *Winchester* was Exemplar in all the Parliament *Pawns* which are extant in the *Pettibag*, from the first of *Edw.* the Sixth, to the first of King *James* inclusive, which is 55. years, and was in that time Lord Treasurer 22. years, which was longer than any of his Predecessors continued in that Office, except *Cicil*, who continued 27. years.)

1 *Car.* 1. *Georgio Duci Buckingham*, for one Parliament, (Sir *Thomas Coventry* being then Lord Keeper, and had a distinct Writ, and Sir *Richard Weston* Treasurer, who was then in *Scotland*.)

15 *Car.* 1. *Johanni Marchioni Winchester*, for one Parliament (Sir *John Finch* being then Lord Keeper of the Great Seal, and had a distinct Writ) also *Will.* Bishop of *London* was Lord Treasurer, and had his Writ.

13 *Car.*

13 *Car. 2. Thomæ Comiti Southampton*, CHAP. IX.  
 for this Parliament, ( *Sir Edward Hyde* being then Lord Chancellor, and had his distinct Writ ) this Earl was Grandchild to that *Wriothesly* mentioned in the 36. of *Hen. 8.* and died without Issue Anno. 166---

So from the 36. of *H. 8.* to this Parliament of the 13. of *Car. 2.* there were three Exemplars, to Three Barons, ( Two of them being Chancellors, and one Lord Keeper ) and to Two Marquesses, to one Duke, and to one Earl ; ( and all these not of the Blood ) Now as to the three Barons having Exemplars, ( which Degree had not any before the 36. *H. 8.* ) it may be presumed that the Exemplars were given them in relation to their Offices, as Lord Chancellor, or Lord Keeper, or President of the Kings Council.

And as to the two Marquesses having Exemplars, ( who had not any till the 6. of *Edw. 6.* ) one was as he was Treasurer, and the other in the 15. of *Car. 1.* only as Marquess, because there was no Duke Summon'd to that Parliament ; ( and *Sir John Finch* was then Lord Keeper, and *William Bishop of London* Lord Treasurer, and both had distinct Writs ; ) so there was none of the three great Officers of State remaining to be Exemplars, except *Henry Earl of Manchester*, then Lord Privy-Seal,

Q 3

who

CHAP. who according to the fore-mentioned *Act*  
 IX. of *Precedency* is placed in the Lords House before all Dukes, Marquesses, &c. (not of the Blood) but I suppose, because there was no President wherein the Lord Privy-Seal had been Exemplar since its first Institution in the 11. of *Hen.* 4. and being not called Lord Privy-Seal, nor that place in the Lords House allotted to him, till the 31. *H.* 8. possibly for those reasons it was not given to the Lord Privy-Seal, but to the Marquess singly, or else it was an omission in not minding the *Act of Precedency*.

These latter Writs from the 36. of *Hen.* 8. did seem to break the method of the former; for before that *Pawn* of that year, no Dukes or Marquesses were made Consimilars, where an Earl was made Exemplar; but in the Exemplar of the 36. *H.* 8. *Wriothesly* Earl of *Southampton* was made Exemplar, and the Duke of *Norfolk* then Lord Treasurer of *England*, (and *Charles* Duke of *Suffolk* the Great Master of the Kings Household, and President of the Council, were (besides the Marquess of *Dorchester*, and Thirteen Earls, and Twenty eight Barons) made his Consimilars, so as the precedency of his Exemplarity must be ascribed to his Chancellorship, which according to the *Act of Precedency* was

was to be before all Dukes, &c. (not of CHAP.  
the Blood;) and upon the same reason, IX.

*Pawlet* Lord *St. John* in the first *Edw. 6.* being then Lord Keeper, had the Exemplar Writ, and the Duke of *Somerſet* (though the Kings Uncle) Governor of the Kings Person, and Protector of *England*, (as also the Marquess of *Dorcheſter*, and Marquess of *Northampton*, and Thirteen Earls and Thirty Barons) were his Conſimilars, which is the only Prefident (which I know of) where the Lord Chancellor or Lord Keeper had the Exemplar to a Duke of the Bloud; and upon the like reason, as (I conceive in the 6 of *Ed. the 6. William* Marquess of *Wincheſter*, being Lord Treasurer, (the next in Precedency to the Lord Chancellor, by the Act of 31. *H. 8.*) had the Exemplar to two Dukes, one Marquess, Fourteen Earls, One Viſcount, and Thirty one Barons, all which were his Conſimilars: and it is probable the reason why this Exemplar was given to the Treasurer and not to the Chancellor, was, because *Thomas Goodrick* Bishop of *Ely* was then Lord Chancellor; and so it was not proper for that Bishop to be Exemplar, for the reasons before alledged.

Now in the first *Car. primi*, *Thomas Coventry* being Lord Keeper, and having a distinct Writ, the Duke of *Buckingham*

Q 4 had



CHAP. had the Exemplar, who had one Marquess,  
IX. Thirty seven Earls, Eleven Viscounts, and  
Fourty seven Barons to his Consimilars.

Also in the 15. *Car. 1.* *John* Marquess of *Winchester* (Son to the former Marquess of *Winchester*) was made Exemplar, (Sir *John Finch* being Lord Keeper, who had a distinct Writ, (and *William* Bishop of *London* being in *Scotland*) but he had no Duke or other Marquess, but Fifty eight Earls, Five Viscounts, and Forty four Barons his Consimilars, and so reduced the proper Consimilars to its former method.

But the 14. *Car. 2.* *Thomas Wriothesly* Earl of *Southampton* Lord Treasurer (Grandchild to the former Earl of *Southampton*) altered it again: (there being now also a distinct Writ to Sir *Edward Hyde* Lord Chancellor) for this Earl had three Dukes, (one being General) Four Marquesses, Fifty five Earls, Eight Viscounts, and Sixty eight Barons his Consimilars; (I conceive as Lord Treasurer) for according to ancient Practice, (as I have shewn) an Earl had not any Dukes entred as his Consimilars.

The number of all the Exemplar Writs extant, from the 15. of *Edw. the 2d.* in *An. 1322.* to the 13. of *Car. 2di. An. 1661.* are but Twenty, and but Fourteen Kings from whom they were granted; The  
num-

number of the Parliaments in which the Nobles did Sit, to whom such Exemplars were issued, were 107. and these 107. Parliaments were in the space of 341. Years. CHAP. IX.

As concerning the years when these Exemplars were first issued to the respective degrees of Nobles before mentioned, they are in this order of time.

15 *Edw. 2.* This first Exemplar Writ, as I have shewn, was to an Earl, and he was of the Bloud, viz. to *Edward Earl of Chester*, Eldest Son to *Edw. 2.* and after King *Edw. the 3d.* for there was then no Duke in *England*.

3 *Edw. 3.* The first Exemplar Writ to a Prince of the Bloud, was to the same Earl being then made Prince of *Wales*.

37 *Edw. 3.* The first Exemplar Writ to a Duke of the Blood was not till this year, though the first Duke in *England* (distinct from that of Earl, (as Mr. *Selden* saith) was the Eleventh of *Edw. 3d.* and then *Edward* the Kings Eldest Son was in Parliament created Duke of *Cornwall*; (yet *Speed* in his Chronicle of *Edw. 3d.* makes this Creation in the 3d of *Edw. 3d.* when (saith he) he was created Prince of *Wales*, Duke of *Aquitain* and *Cornwall*, which agrees with the Records of the *Tower*, and therefore I conceive there is some mistake in Mr. *Selden*) but however the mistake be,

CHAP. be, the first Exemplar Writ to a Duke was  
 IX. not till this year; for though *Edward*  
 Prince of *Wales* was Duke in the Third  
 or Eleventh year of his Father, and *Thomas*  
 Earl of *Norfolk* soon after was created  
 Duke of *Norfolk*, and *Henry* Earl of *Lan-*  
*caster* soon after created Duke of *Lanca-*  
*ster*, yet they had not any Exemplar Writs  
 as Dukes, but before as Earls; so as *John*  
 Duke of *Lancaster* in this Parliament of  
 the 37. *Edw.* the 3<sup>d</sup>. was the first Duke  
 which had an Exemplar Writ.

47 *Edw.* 3: As I have shewn the first  
 Exemplar to an Earl of the Blood, so this  
 shews the first Exemplar to an Earl not of  
 the Blood, which was this year to *Richard*  
 Earl of *Arundel*; for though there were  
 many Earls before not of the Blood, yet  
 they had only Consimilar Writs, but no  
 Exemplars extant to any of them till this  
 Year.

28 *H.* 6. And though there were many  
 Dukes not of the Blood since the first Crea-  
 tion of that Title, yet the first Duke not  
 of the Blood who was thought fit to be an  
 Exemplar, was not till this Parliament,  
 and the Predecessor of this Duke was an  
 Earl in *Edw.* 3<sup>ds</sup>. time, and even this  
 Duke was Earl in the time of his Pre-  
 decessors, before any Duke was created.

6 *Edw.* 6. Though the first Marquess  
 (created

(created in *England*) was in the 9th. of CHAP.  
IX.  
*Rich. 2d.* yet none were thought fit to be Exemplars, till this 6. of *Edw.* the 6th. that *William* Marquess of *Winchester* was made the first Exemplar in Parliament of that Dignity, but his Exemplar had the additional Title of Lord Treasurer, who is the second Officer of State.

36 *H. 8.* Although a Baron is a more ancient Title with us in *England*, than any of the other Degrees of the Nobles, yet we find no Record now extant, wherein a Baron, singly as Baron, had the Exemplar Writ; for (as I said) *Thomas Writheby* Baron of *Tichfield* being Chancellor, *William Pawlet* Baron of *Bazing* being Lord Keeper, were Exemplars in those Parliaments, and had Consimilars appointed them; but *Edward Hyde* Baron of *Hindon* having a distinct Assisting Writ, had no Consimilar allotted him, either in respect of his Barony or Assistancy.

Thus we find that Earls, Dukes, Marquesses and Barons have been Exemplars, but we do not find any Viscounts to be so in any Parliament since the creation of that Dignity, which was (as I said) in *Hen. 6ths.* time to *John de Beaumont*.

And the reason is, because the word *Vicecomes* doth imply a Consimilar to *Comes*, so it were improper for *Comites* to be Consimilars to a *Vicecomiti*. Con-



CHAP. Concerning the additional of the  
 IX. Titles to those Nobles mentioned in their Exemplars, it may be observed, That in all those Writs to *Hen.* the 8<sup>ths.</sup> time, the words *Consanguineo Charissimo Prædilecto Dilecto & Fideli*, were not so positively fixt to the several Degrees in their Writs, but since that time they have past in a more constant method, *viz.* to Dukes and Marquesses, *Præcharissimo Consanguineo*; to Earls and Viscounts, *Charissimo Consanguineo*; to Barons, *Prædilecto & Fideli*; and to the Lord Chancellor as chief Assistant, *Prædilecto & perquam Fideli*; but to all the other Assistants, of which I shall speak more, only *Dilecto & Fideli*.

## S E C T. III.

*Observations on the Consimilars to the former Exemplars.*

WHEN Princes of the Blood were made Exemplars, there was ever some Prince of the Blood in the Consimilars, and then followed in the same Register in every Clause-Roll or *Pawn*, the other Dukes, Marquesses, Earls, Viscounts and Barons, without interposition of the Lords Spiritual and Ecclesiastical, to the Princes of the Blood, and the Temporal Lords

Lords not of the Bloud; so it continued CHAP. IX.  
in that method till the 21. of King *James*,  
but then the Exemplar (being to the  
Prince of *Wales*, and no Consimilar to  
him, there follows the Exemplar and Con-  
similars to the Lords Spiritual, (of which  
I have spoken) and after them follows  
the particular Writ to *John* Bishop of  
*Lincoln*, as Lord Keeper, and after that, the  
Exemplar to *Lodowick* Duke of *Richmond*,  
who had one Duke, one Marquess, Thirty  
eight Earls, nine Viscounts, and Fourty  
seven Chevaliers his Consimilars, and ever  
since the 21. *Jac.* there hath been an inter-  
position either of the Lords Spiritual or  
Lord Chancellor between the Dukes of  
the Blood and the Nobles that were not of  
the Blood; and so in the 13 *Car.* 2. though  
the Bishops were deprived from that Roll,  
(as I have shewn) yet the Lord Chan-  
cellors Writ did interpose; and it may  
further be observed, That when Princes or  
Dukes of the Blood, or not of the Blood,  
were Exemplars, other Dukes, Marquesses,  
Earls, Viscounts and Barons were Consi-  
milars; but when Earls were Exemplars,  
there were no other Consimilars admitted  
of Degrees above them, but still under  
them, viz. of Earls, Viscounts and Barons;  
and yet when the three Dukes beforemen-  
tioned were made Exemplars, 'tis true  
the

CHAP. the Duke of *Suffolk* and *Oxford* had Dukes

IX. to their Consimilars, as formerly ; ( being *pari gradu* ) but the Duke of *Norfolk* had no Duke to his Consimilar, for he had only four Earls, one Viscount, and Thirty one Barons, of which there is no other precedent that I can find.

2. As to the different Titles of these six Degrees, *viz.* Princes of the Blood, Dukes, Marquesses, Earls, Viscounts and Barons, of whom I have spoke more in the Fifth Chapter ; it is fit to be hinted here, that Prince in *English*, and *Principi* in the *Latin* Writ, Duke and *Duci*, Marquess and *Marchioni*, Viscount and *Vicecomiti*, have little difference in their Orthography ; but *Comiti* in all their *Latin* Writs, and Earl ( which is their general appellation in *English* ) have very great difference ; concerning which and the other Degrees I have writ more at large before, and in my Annotations, to which I refer the Reader ; and so Baron and *Baro* have but little variation, yet this may be observed here of this Title *Baro*, that in all the Consimilar Writs in Clause Rolls or *Pawns* wherein those of that Degree are enumerated from the 15<sup>th</sup>. of *Edw. 2d.* to the 13. of *Car. 2.* neither the Titles or words *Baro*, nor of *Banerettus* are mentioned in the Writs ; but either the Articles *De* or  
Le

*Le* or *La*,<sup>r</sup> or the words *Dominus*, *Miles*, CHAP. IX.  
*Equies Auratus*, or *Chevalier* are added to the Barons name, viz. *Hugo de Spencer*, *Johanni de Bello Campo*, *Johanni de St. John de Bazing*, *Roberto de Monte albo*, *Johanni de Sancto amando*, *Willielmo de la Souch de mortuo mare*, *Nicolao de Cantilupo le Quint*, *Johanni de Insula de rubro monte*, *Nicolao de Sancto Mauro*, *Michaeli de la Pool*, (who was then Banneret) *Admirallo Maris*, *Johanni de Moubray Mariscallo*.

*Petro de malo lacu le Quint*, *Hugo de le Spencer*, *Willielmo la Zouch de mortuo mare*, *Johanni le Strange*, *Johanni le Shelton*, and many more, and some only in their Christian names and Surnames, viz. *Richardo Gray*, *Richardo Talbot*, *Gulielmo Aincourt*, *Richardo Percey*, *Johanni Fitzwater*, *Radulpho Dacres*, yet these were all Barons or Bannerets, though the Title of *Baroni* was not in their respective Writs.

3. Thus they continued without any other adjuncts to their names (than what I have mentioned) till the first of *Richard* the Second, and then *Willielmo de Morley*, *Willielmo de Alborough*, *Hugo de Dacres* were writ *Chevaliers*; (amongst 48. others that were Intituled as before) After, in the 7th. of *Rich.* the 2d. *William Botereaux* was brought in, and with the other Three written *Chevaliers*; and in the second Parliament



CHAP. liament of that year, that Title of *Che-*  
 IX. *valier* increas'd to three more, viz. *Johan-*  
*ni Falsly*, *Henry le Scroop*, and *Thomæ Ca-*  
*mois Chevaliers*; so there were then seven  
*Chevaliers* in all, the rest of the Barons  
 being then Fourty five, were Intituled as  
 before, and so they continued, not exceed-  
 ing nine *Chevaliers*, till the third of *H. 6.*  
 and for that Parliament there were but  
 twenty Barons Summoned, whereof ele-  
 ven were Stil'd *Chevaliers*; and in the  
 fourth of his Reign, all the Barons but  
 two were Stil'd *Chevaliers*; and in the  
 sixth year, all the Barons were Stil'd *Che-*  
*valiers*; and so to the Twenty third, where-  
 in all the Barons were written *Chevaliers*  
 except *Thomas de Scales Miles*, (who was  
 then Lord *Scalds*) and *Dominus de Molins*,  
 so here came in *Dominus* for a Baron; and  
 in the Twenty fifth, there were Twenty  
 six *Chevaliers*, whereof two Stil'd *Milites*,  
 and three *Domini*; in the Twenty seventh  
*Henry Percey* is Writ *Militi & Domino*,  
 and some others, which shews that the  
 words *Militi*, *Domino*, and *Chevalier*, ha-  
 ving Writs to Sit in the Lords House, had  
 one Denotation of a Baron; and in the  
 third of *Edw. 4.* almost all the Barons are  
 written *Domini* and *Chevaliers* jointly,  
 yet in the end of these Consimilars, it is  
 writ in the Record, *Milites omnes*, except  
 Audley

*Audley* and *Clinton*, and so in the 3d. of CHAP. IX.  
*Ed. 4.* all are *Chevaliers*, but in the Postscript is, *Equites aurati omnes præter Dominum Scales*, by which must be understood, that all the rest which were Summoned to those Parliaments, and their names not entred in those Rolls, were *Milites* or *Equites Aurati*: Except *Audley*, *Clinton*, and *Scales*, which latter in the Record of the 23d. of *Hen. 6.* before mentioned, is written *Miles*, which shews there was a distinction then between *Miles* and *Eques Auratus* (as may be seen in Mr. *Seldens* Titles of Honour) and so in the 7th. and 12. 22. and 23d. of *Ed. 4.* all *Chevaliers*, but two *Milites*, which do argue some distinction, though all intended to signifie a *Baron*.

Then passing over other Records to the 21. of *Hen. 8.* all the Barons are stil'd *Chevaliers*; but in the 36. *Hen. 8.* the words *Domini*, and *Chevaliers* are mixt, and so they continued to the 28. of *Eliz.* and then all the Barons are writ *Chevaliers*, and so have continued to this time singly, with that Title of *Chevaliers* in all their Writs, without adding *Dominus miles*, or *Eques Auratus*.

Though the Title of *Baro* for *Baron* is not us'd in these Parliament Writs, no more is *Bannerettus* or *Banneret*; yet it is

R

as

CHAP. as evident, that as *Dominus* does signifie a  
 IX. *Baron*, so the word *Miles* and *Chevalier* did  
 signifie a *Knight Banneret*, and so I presume  
 it was originally intended. For by com-  
 paring the Writ in the 8<sup>th</sup>. of *Rich. 2d.*  
 to *William Botereaux*, with the Writ to  
 him in the 15<sup>th</sup>. of *Rich. 2d.* where in  
 one he is called *Chevalier*, in the other  
*Miles*; it may be presumed that the Titles  
 are one and the same, the words *Chevalier*  
 and *Miles* being so interchangeably used,  
 and sometimes joyntly, yet either being  
 applicable to Denote a *Baron* or *Banneret*.

8. This Identity of *Chevalier* and *Banne-  
 ret*, may be evident from the Writ to the  
 Sheriff of *Surry* ( hereafter transcribed ).  
 Cited by the Learned Mr. *Selden*, where  
*Thomas Camois* ( beforementioned ) some-  
 times Stil'd *Chevalier*, sometimes *Miles*  
 ( for brevity omitting *Bannerettus* ( being  
 then Lord *Camois* or *Baron* ) and being  
 chosen Knight of the Shire for that Coun-  
 ty to serve in Parliament in the 8<sup>th</sup>. of  
*Rich. 2.* the Sheriff was commanded by  
 this Writ, to make an Election of another  
 Knight for that County, because his place  
 was in the *Lords-House* as a *Banneret*;  
 which Writ he sets down in these follow-  
 ing words.

*The Writ to the Sheriff of Surry 8. Rich.  
the 2d. concerning Thomas Camois Ban-  
neret, his being Elected Knight of the  
Shire.*

**R**EX Vic' Surr' Salutem Quia ut acce- 8. R. 2.  
pimus tu Thomam Camois Cheva-  
lier qui Bannerettus est sicut quam plures  
Antecessorum suorum extiterint ad essen-  
dum unum militem venientium ad proxi-  
mum Parliamentum nostrum pro Comuni-  
tate Comitatus predicti de assensu ejusdem  
Comitatus. Elegisti Nos advertentes quod  
hujusmodi Banneretti ante hæc tempora in  
militis Comitatus ratione alicujus Parlia-  
menti eligi minime consueverunt ipsum de  
Officio Militis ad dictum Parliamentum pro  
Communitate Comitatus predicti ventur'  
Exonerari volumus Et Ideo tibi precipi-  
mus quod quendam alium militem idone-  
um & discretum gladio cinctum loco ipsius  
Thomæ eligi & eum ad diem & Locum  
Parliamenti predicti venire facias cum ple-  
na & sufficien' potestate ad consentiend'  
hijs quæ in Parlamento predicto fient jux-  
ta tenorem primi Brevis nostri tibi pro  
electione hujusmodi milit' directi & no-  
men ejus nobis scire facias. Teste Rege  
apud Westm' octavo die Octobris septimo  
Regis.



CHAP.

IX.

*Accordingly the Parliament did sit the 3d. of March, and Thomas Camois in the Lords House: but that which Mr. Selden observes in this Writ is, that this is not to be understood of any other Banneret than a Parliament Baron, or a Banneret of that time. The expressing of hujusmodi Bannoretti shews, that it is not meant of all Bannerets, but such only as have the Title, either by inheritance, or in such a kind, that an inheritance might be of it, which is apparent also by the precedent words in the Writ; Bannerettus est sicut quam plures Antecessorum suorum extiterint, for it was never conceived, that the Title of Banneret as it denotes a Knight-Banneret was ever hereditary.*

However, another Knight for Surry was Chosen; and this *Thomas Camois* being Lord *Thomas Camois*, did sit that Parliament in the Lords House, as his Ancestors had done; for I find, that in the 15th. of *Ed. 2d.* and 4th. of *Ed. 3d.* *Radulphus Camois* was Summon'd by Writs, and did sit in those two Parliaments; but I find none in 54 years after, viz. till the 7th. of *Rich. 2d.* and then that name continued in 37 successive Parliaments, viz. to the 8th. of *Hen. 6.* as may be seen in the Records. I shall make no further use of this Writ here, than that

that of the words, *Thomas Camois Che-CHAP.*  
*valier qui est Bannerettus*, doe make it IX.

clear, that *Banneret* was denoted by the word *Chevalier*, and that that word *Chevalier* amongst the Lords did shew the difference between *Banneret* and an Ancient or Hereditary *Baron*. Now in respect it is evident that the Title of *Banneret* was first brought into use for some meritorious action, in bearing, preserving, or retaking the Kings *Banner* in time of War; whereupon he received the honour of Knight *Banneret*, and thereupon as an additional honour was also thought worthy to sit amongst the hereditary *Barons*; and in respect many Martial exploits were about that time done in *France* ( the word *Chevalier* being borrowed from the *French Tongue* ) came into so great repute, that such as did merit it, did justly Challenge it, and those of less merit did Covet it, and by meer interest and favour obtain'd it, and so by degrees ( as I have formerly shewn the word *Chevalier* upon the account of merit or favour, did swallow up the other Titles; and in process of time, and favour of Kings, it grew to be fixt and hereditary, which was intended at first but Titulary and Temporary, which hath been the fate of most of our Titles of Honour.

R 3

Thus

CHAP. X. Thus having dispatcht the *Brevia Clausa*, or Close Writs of Summons, to the Lords Spiritual and Temporal before the Parliament is sitting (for these are different from the Writs which are sent out whilst a Parliament is sitting, as will be shewn.) I shall proceed to the *Brevia aperta* or open Writs, commonly called Patents, by which (such as are Created) are enabled to sit there; yet even those Lords, which by their Creations are so priviledg'd, have also Close Writs of Summons sent them *pro forma*, lest they should fail of their duties for want of intimation, and the Writ is and hath been anciently Clos'd, least (as I conceive) the Writ should contain such private matter, or causes of Summons as are not fit to be known by the conveyer of them to their Lordships.

---

CHAP. X.

*Of Patents of Creation Impowring the Lords Patentees to sit in Parliament.*

Sect. I. **H**AVING shewn the Form of the Close Writs of Summons, for such as are to sit in the Lords House, either *Ratione sanguinis regalis*, or *Ratione tenuræ*, or *Ratione Nobilitatis & Honoris*, I am now to

to shew how some of these sit there *Ratio-CHAP.*  
*ne Creationis* ( not Exclusive of the others ) X.

*viz.* by vertue of their Open Writs, or Patents of Creation; for though Close Writs of Summoning to a Parliament were thought sufficient to Nobilitate the persons and their Heirs, who had the benefit of them; yet since Tenures and Prescriptions, and Writs only, were not found so safe and convenient, the way of Creation by Patent hath much increased.

2. These LordsPatentees having Writs of Summons, as Memoirs of their Duty to the publick, their Patents do not only intitle them to sit in Parliament, but direct them where they shall sit, which their Writs of Summons do not expresse; for the Writs do only appoint a place, and time where and when to meet, but not their distinct places where to sit, both in respect to their own, and to the other degrees of Nobility.

3. These are called Patents of Creation, signifying something which was not before; now it is evident by what I have shewn, that there were persons called *Dukes, Marquesses, Earls, Viscounts, and Barons*, both in Foreign parts, and in this Kingdom, long before those Degrees were Erected by Patent; but till then ( as *Mr. Selden* saith ) they were to be esteemed



CHAP. rather Official than Nobilitated Dignities,  
 X. and therefore it must be understood that the Form of making them *Earls, Dukes, &c.* by these Letters Patents, were not in use here in *England*, till *Dukes, Marquesses, Earls, &c.* did accept of this instrument or Form; and thereupon call'd *Dukes, Earls, &c.* by Creation.

4. I find these Patents to be of three sorts. First, of Titles Confirm'd (*viz.* such as were before their Patents) Secondly, of Titles Reviv'd (*viz.* which were before, but were extinct for want of Issue, or Escheated to the Crown for Treason, &c. (which often happened in the Barons-wars, and at other times) Thirdly, Titles Created or given where none was before. As to the first, *viz.* of such Titles as were before their Patents of Creation, it appears that *Awbry de Vere* (as Mr. *Cambden* saith) had the choice of four Earldoms, *viz.* *Dorset, Wilts, Berks, and Oxfordshire*, of which four Shires (there having been Official Earls both in the *Saxons*, and afterwards in the *Normans* time) he chose *Oxfordshire*, which being granted to him by *Henry the 1st.* it was confirm'd to him by Patent of Creation by *Hen. the 2d.* according to this following Patent.

The Patent to Awbry de Vere, Confirm-  
ing him Earl of Oxford.

X.

**H**ENRICUS Secundus Rex Angliæ & s. H. 2.  
Dux Normaniæ & Aquitaniæ &  
Comes Andigaviæ Archiepiscopis Episco-  
pis Abbatibus Comitibus Baronibus Justi-  
carijs Vicecomitibus Ministris & omni-  
bus Fidelibus suis totius Angliæ Franciæ  
& Angliæ Salutem. Sciatis me dedisse &  
concessisse Comiti Comitatus **Drenford-**  
**scire** ut sit inde Comes quare volo & Fir-  
miter præcipio quop ipse & hæredes sui  
habeant inde Comitatum suum ita libere  
& quiete & honorifice sicut aliquis Comi-  
tum Angliæ liberius & quietius & hono-  
rificentius habet Test. Attested by the  
Chancellor, three Earls, and ten others  
of Quality.

Mr. *Selden* observes, that this Patent Selden 1.  
was rather a Confirmation than a Crea- H. p. 539.  
tion; and further saith, that in a *Chancery-*  
*style*, a Creation and Confirmation signi-  
fie the same; however though the words  
in the Patent are not *Confirmasse*, but only  
*Dedisse*, and *Concessisse*, yet I conceive it  
plainly appears to be a Confirmation from  
the words in the Patent, *viz. habeant inde*  
*Comitatum suum*, which implies that that  
County

CHAP. County was his before this Confirmatory  
X. Creation.

The second sort of Creation Patents, are the reviving of a Title which had been before, but lay Dorment as in this following Patent, of Creating *Edward* call'd *Edward* the Black-Prince, Son to *Edward* the 3d. to be Duke of *Cornwal*, there being Official Dukes of *Cornwal* before.

*The Preamble to the Creation of Edward, Son to Edward the 3d. Duke of Cornwal.*

Sect. 6. **E** Dwardus Dei gratia, &c. inter cætera  
II. Ed. 3. Regni insignia illud arbitramur fore  
potissimum ut ipsum ordinum dignita-  
tum & Officiorum distributione, congrue  
vallatum fanis fulciatur consilijs & robusto-  
rum potentijs teneatur, plurimis itaq; gra-  
dibus hæreditarijs in regno nostro cum per  
descensum hæredetatum secundum legem  
regni ejusdem ad cohæredes & participes  
tunc deficiente exitu, & alijs eventibus va-  
rijs ad manus regias devolutis passum est  
a diu in nominibus honoribus & graduum  
dignitate defectum multiplicem dictum  
regnum Nos igitur ea per quæ regnum  
nostrum decorari idemq; regnum ac Sancta  
ejusdem Ecclesiæ aliæ etiam terræ nostro  
subjectæ Dominio contra hostium & ad-  
versa-

versariorum conatus securius & decentius CHAP.  
defensari paxq; nostra inter nostros ubiq; X.  
subditos conservari illæsa poterint medita-  
tione sollicita intuentes ac loca ejusdem  
Regni insignia pristinis insigniri honori-  
bus Cupientes nostræ considerationes in-  
tuitus ad personam Dilecti & Fidelis nostri  
Edwardi Comitis Cestriæ filij nostri pri-  
mogeniti intimius convertentes volentesq;  
personam ejusdem honorare eidem filio  
nostro nomen & honorem Ducis Cornu-  
biæ de Communi assensu & Consilio Præla-  
torum Comitum Baronum & aliorum  
de Consilio nostro in presenti Parlamento  
nostro apud Westmonasterium die Lunæ  
proxime post festum Sancti Matthæi  
Apostoli proxime preterit' convocato  
existentium dedimus ipsumq; in Ducem  
Cornubiæ prefecimus & Gladio cinximus  
sicut decet &c. Dedimus itaq; &c. Castra  
&c. juxta generis sui nobilitatem valeat  
contenere & onera in hac parte incumben-  
tia facilius supportare, viz. ut faciat  
Vicecomites predicti Comitatus.

7. It is affirm'd by our History, that there  
were Dukes of *Cornwal* ( as I have shewn  
in the *Brittish* times ) but afterwards in-  
titled Earls, but both the Titles of Dukes,  
and Earls of that County being long ex-  
tinct, *William* the 1<sup>st</sup>. rais'd it to an  
Earl-



CHAP. Earldom, and after *Edward* the 3<sup>d</sup>. Erect-  
 X. ed it to a Dukedom, and thereupon had a  
 preamble, and this was done also by assent  
 and consent of the Prelates, Earls, Barons,  
 and others of his Council ( which I pre-  
 sume doth include the Commons ) but it  
 may be observed, that here was no other  
 Investiture mention'd than *Gladio cinximus*,  
 which is the same Ceremony of a Knight  
 Batchelor; but many great Royalties and  
 priviledges were herein granted, as may  
 be seen in the Patent at large.

That to the Earl of *Oxford* needed no  
 preamble, or Consent of the Earls and  
 Commons, or mention of the Form of  
 Investitures, or of particulars of Lands and  
 Castles granted, being only a Confirma-  
 tion of that honour which he injoyed; but  
 it was convenient; that this to the Duke  
 of *Cornwal* should have a preamble, in  
 respect the Title had lain dead for a long  
 time in the Crown, as may be Collected  
 from the words, *ad manus Regias devo-*  
*latis*.

The like Patent of Reviver, was of the  
 Barony of *Abergaveny* by *Richard* the 2<sup>d</sup>.  
 to *John de Beauchamp* second Son to the  
 Earl of *Warwick*, from whom by Mar-  
 riage of the Daughter and Heir, it came  
 into the Family of the *Nevils*, where it  
 yet continues; but this was a Barony long  
 before,

before, for in the time of King *William* CHAP. X.  
the 2d. call'd *Rufus*, *Hamelius de Balon*  
was Baron of *Abergaveny*, and from him  
it descended to *Brian de Insula*, then to  
the *Bruce's*, *Cante Lupes*, and *Hastings*,  
in which last name it continued many de-  
scents, till *John Hastings* then Earl of  
*Pembroke*, and Baron of *Abergaveny* died  
without Issue; and then as I said, *Richard*  
the 2d. Conferr'd it *John Beauchamp* ac-  
cording to this following Patent.

6. *Richardus Secundus, &c. Sciatis quod* 11. R. 2.  
*pro bonis & gratuitis servitijs quæ Dilectus*  
*& Fidelis Miles noster Johannes de Beau-*  
*champ de Holt Senescallus Hospitij nostri*  
*nobis impendit ac loco per ipsum tempore*  
*creationis nostræ huc usq; impenso & quem*  
*pro Nobis tenere poterit infuturum in nostris*  
*Consiliis & Parliamentis nec non pro nobili*  
*& Fideli genere unde descendit ac pro suis*  
*magnificis sensu & Circumspectione ipsum Jo-*  
*hannem in unum Parium ac Baronum Regni*  
*Angliæ nostri præfecimus volentes quod idem*  
*Johannes & hæredes masculi de corpore suo*  
*Exeuntes statum Baronis obtineant ac Do-*  
*mini de Beauchamp & Barones de Kider-*  
*minster nuncupentur in cujus rei, &c. Teste,*  
*&c.*

10. Thus having given instances of Con-  
firming,

CHAP. firming, and Reviving of Titles by Patents of Creation, I shall speak of the third sort of Creating, or Erecting of new Titles by Patent of Creation also.

The third sort of Creation Patents, is more properly call'd a Creation than the other; and for this, I instance the Patent to the Prince of *Wales*. 11. Ed. the 3d. for though *Wales* had been an ancient Principality in it self, and their Natives were Princes thereof; and this being the first time that that Title was transferr'd to an *English* man, and a Patent granted by an *English* King which had never been done before; it might properly be call'd a Creation, the Preamble of the Parent is Transcrib'd *Verbatim*; but the *Habendum* (being very long) I have only given a short abstract of it.

*The Preamble to the Creation of Edward Prince of Wales.*

Sect. 11. 17. Ed. 3. **R**EX &c. Archiepiscopis &c. salutem. de serenitate regalis præeminentiæ velut ex Sole radii sic inferiores prodeunt principatus ut regiæ claritatis integritas de Luce Lucem proferens Ex Lucis distributione minoratæ Lucis non sentiat detrimenta Immo tanto magis Regale Sceptrum extollitur & Solium Regium sublimatur quanto

quanto tribunali suo plures subsunt Proce-  
res eminentiæ clarioris Hæc autem con-  
sideratio condigna Nos qui nominis & ho-  
noris Edwardi ducis Cornubiæ & Comitis  
Cestriæ primogeniti nostri charissimi in-  
crementum appetimus (in quo potius  
Nos ipsos conspiciamus honorari &  
domum nostram Regiam & subditum  
nobis populum nostrum speramus per  
Dei gratiam sumpta de gloriosis suis  
auspiciis conjectura honorifice roborari)  
allicit & inducit ut ipsum qui reputatione  
juris censetur eadem persona nobiscum dig-  
no proveniamus honore & sæcunda gratia  
persequamur de Consilio itaq; & Consen-  
su Prælatorum Comitum Baronum &  
Communitatum Regni nostri Angliæ in Ge-  
nerali Parlamento nostro apud Westmo-  
nasterium die Lunæ in Quindena Pasche  
proxime præterita Convocato ipsum Edwar-  
dum Principem Walliæ fecimus & creavimus  
& dictum principatum sibi dedimus & con-  
cessimus & per Chartam nostram confir-  
mavimus ac ipsum de dicto principatu ut  
ibidem præficiendo præsideat & præsiden-  
do dictas partes derigat & defendat per  
fertum in Capite & annulum in digito  
aureum ac virgam argenteam investivimus  
juxta morem, habend' & tenend' de nobis  
sibi & hæredibus suis Regibus Angliæ in  
perpetuum cum omnibus Dominijs & ter-  
ris



CHAP. ris nostris Northwalliæ Westwalliæ &  
X. Southwalliæ, &c.

The like was in *Richard* the 2<sup>ds</sup>. time, when the Earldom or County of *Lancashire* was Erected into a Dutchy Palatine, which was not so before, the Preamble of which Patent, I shall here insert; aswell to shew the Latin Style of the Age, as for other reasons, which I shall hereafter have occasion to mention.

*The Patent of Creation to John Duke of Lancaster. Anno 1389.*

*Seet. 12.*  
*13. R. 2.* **I**Nter Gloriosæ Reipublicæ curas & sollicitudines varias. Regiis humeris incumbentes firmat potissime Regale solium effluens à justitia condigna premiatio meritum ibinamque continue virtus crescit & colitur ubi a debito sibi præmio non frustratur. Cum igitur honor sit virtutis præmium constat quod virtuosus & strenuus ex Regali justitia debentur fasces honorum & præmia dignitatum quæ utiq; si dignis conferantur non debent simpliciter æstimari donum seu exhibitio favorum sed potius debita compensatio meritum Quid enim in retroactis sæculis & felicium Principum temporibus Rempublicam amplius provexisse comperimusquam  
quod

quod pie regnantes virtuosos & strenuos C H A P. X.  
sub se habebant oneris ijs injuncti parti-  
cipes, quos postmodum juxta Exigentiam  
meritorum honore & distributionibus dig-  
nitatum successive fecerunt ex debito Re-  
galis Justitiæ gloriosos. Quia quod soli  
non poterant, provida virtuosorum hujus-  
modi provisione supplebant.

Hijs igitur considerationibus inducti  
ad te præcharissimum patrum nostrum  
mentis nostræ aciem dirigentes actusq;  
tuos virtuosos & præclaria merita quibus  
te virtutum Dominus insignivit in profun-  
dæ discussionis liberamine ponderantes, de  
assensu Prelatorum Ducum Magnatum &  
aliorum Procerum & Communitatis Regni  
nostri Angliæ in instanti Parlamento no-  
stro apud Westmonasterium convocato  
existentium Te predilectissimum patrum  
nostrum in Ducem Aquitaniæ cum titulo  
stilo & nomine & honore eidem debitis  
præfecimus ac inde præsentialiter per ap-  
positionem Capæ tuo Capiti ac traditio-  
nem virgæ aureæ investimus in præmium  
eximiæ virtutis tuæ & attinentiæ predicta-  
rum toto vitæ tuæ possidendum, &c.  
Et, &c. Donamus tibi Ducatum, &c. te-  
nendum de nobis ut de Rege Franciæ, &c.  
ad totum vitæ tuæ.

CHAP.

X.

Here was a great Merit express'd, and magnificently rewarded, yet not to his Heirs, but to himself only for life, which he took as a sufficient Recompence for his Services ; and this was *Affensu & consensu Prælatorum Ducum Magnat. Et aliorum Procerum & Communitatis Regni nostri Angliæ.* And I observe, That when the Patents were only for Confirmation, the Assent and Consent of the Parliament was not inserted, but where they were to Revive, or meerly to Create, then the Assent and Consent was express'd.

The like Patent of meer Creation was that of the Ninth of *Richard* the Second, when *Robert de Vere*, then *Earl of Oxford*, was Created *Marquess of Dublin* ; (which, saith *Mr. Selden*, was in him an *English Title* : ) however, it was the first that any was Created of that Title here in *England*.

And also the like Patent of meer Creation was that of 18 *H. 6.* whereby *John de Beaumont* was created *Viscount de Beaumont*, the Title of *Viscount* being before an Official Dignity, but never till this Creation nobilitated. All which may be more fully seen in the *Rolls Chappel*, or *Patent Office*.

13. As I have shewn three sorts of Patents of Creation, so, for the clearing of some

some subsequent matters, I must shew, CHAP.  
That these Patents usually consisted of X.  
four parts; (yet subject to variations)  
First, *The King's Stile and Preamble*. Secondly, *Of Investitures*. Thirdly, *Of Places in Parliament*. Fourthly, *Grants of Lands, Annuities, &c.*

As to the Preambles upon New Creations or Revivals, they were usually long, expressing the Merits of the Person, but commonly they were couch'd in few words; and those, *viz.* in generals, *Pro bono & laudabili servitio quod dilectus & fidelis noster A. B. nobis nuper impendit, &c.* particularly *Pro rebelles nostros debellando*, (according to the particular Services) and in others, *Pro gratia nostra speciali & certa scientia & mero motu*.

As for the Second I shall have occasion to speak of them in the Chapter of *Investitures*.

For the Fourth, concerning *Grants, Annuities, &c.* I shall have little use of them.

But for the Third, concerning *The distinct Places of the Degrees of Nobles*, I can find nothing in ancient Patents, but generals, *viz.* That his place should be in *loco quem teneri poterit in futurum in nostris Consilijs & Parliamentis*; and so they were generally set down (except in such as I



CHAP. shall mention ) till *Edward* the Sixth's  
 IX. time (which was soon after that the Act  
 of 31 *H. 8.* concerning *Precedencies* was  
 made) and then the whole frame of the  
 Patents for all the Degrees, from the *Ha-*  
*bend'* or *Sciatis*, were settled in this follow-  
 ing Method, and have ever since so conti-  
 nued with very little alterations. I begin  
 first with *Dukes*.

---

*The Sciatis to a Duke's Patent of Creation,  
 and his Place in Parliament.*

14. **S**ciatis pro consideratione prædicta de  
 ulteriori gratia nostra speciali ac ex  
 certa scientia & mero motu nostris Præfa-  
 tum A. in Ducem C. nec non ad statum,  
 gradum, stylum, titulum, dignitatem, no-  
 men & honorem Ducis C. ereximus, præfe-  
 cimus, insignivimus, constituimus & crea-  
 vimus ipsumq; A. in Ducem C. nec non ad  
 statum, gradum, stylum, titulum, digni-  
 tatem, nomen & honorem Ducis C. tenore  
 præsentium erigimus præficimus insigni-  
 mus constituimus & creavimus per præ-  
 sentes eidemq; A. nomen, stylum, titulum,  
 statum, gradum, dignitatem & honorem  
 Ducis C. imposuimus dedimus & præbui-  
 mus ac per præsentis imponimus damus &  
 præbemus ac ipsum A. hujusmodi nomine  
 stilo, titulo, statu, gradu, dignitate &  
 hono-

honore Ducis (per Gladij Cincturum, CHAP. Capæ & Circuli aurei impositionem in X.

Capite & traditionem aureæ virgæ) insignimus investimus & realiter nobilitamus per præsentem. Habend' & tenend' nomen stylum, titulum, statum, gradum, dignitatem & honorem Ducis C. prædict' cum omnibus singulis præeminentijs, honoribus, cæterisq; hujusmodi nomini, stilo, titulo, statui, gradui, dignitati & honori Ducis pertinentibus sive spectantibus præfat' A. & heredibus masculis de Corpore suo exeuntibus in perpetuum Volentes & per presentes concedentes pro nobis heredibus & successoribus nostris quod prædictus A. & heredes sui Masculi prædicti nomen, stylum, titulum, statum, gradum, dignitatem & honorem prædict' successive gerant & habeant & eorum quilibet gerat & habeat & per nomen Ducis C. successive vocitenter & nuncupenter & eorum quilibet vocitetur & nuncupetur, & quod idem A. & heredes Masculi sui prædicti, successive ut Duces C. teneantur tractentur & reputentur, et eorum quilibet teneatur tractetur et reputetur habeantq; teneant et possideant, &c. (*Then as to Parliaments,*)

B.

Et quod dictus A. et heredes sui Masculi prædicti et eorum quilibet habeat teneat et possideat Sedem locum et vocem in Parlamento Comitij et Consilij nostris heredum

CHAP. redum et successor' nostror' infra regnum  
 X. nostrum Angliæ ut Dux C. Nec non dictus  
 A. et heredes sui Masculi predicti gaudeant  
 & utantur et eorum quilibet gaudeat et utatur  
 per nomen Ducis C. omnibus et singulis  
 juribus privilegijs præeminentijs et immunitatibus  
 statui Ducis in omibus rite et de jure pertinentibus  
 quibus Duces hujus Regni Angl' antea hæc tempor'  
 melius, honorificentius et quietius usu sunt et gavis  
 seu in presenti gaudeant et utuntur.

There is an addition of most of the latter Patents concerning *Annuities* granted, which I shall speak of so soon as I have recited so much as concern the Places appointed to the several Degrees of Nobles to sit in Parliament suitable to what is inserted in the Dukes Patent at the Figure B.

---

*Of the Marquess his Place in Parliament  
 by his Patent.*

15. **A**fter the King's Title and Preamble, in the *Sciatis*; these words are in the Marquess his Patent; viz.  
*Prefat' R. in Marchionem D. creavimus, &c. per Gladij cincturam & circuli aurei quo Capiti impositionem investivimus, &c. Habendum,*

*bendum, &c. honorem Marchionis D. &c. CHAP. X.*  
*prefat' R. & heredibus masculis de corpore suo exeuntibus, &c. (Then as to Parliaments,) Et quod dictus R. & heredes sui masculi predicti & eorum quilibet habeat teneat & possideat sedem locum & vocem in Parliamentis Comitij & Consilij nostris heredum & successorum nostrorum infra Regnum nostrum Angliæ, inter Pares Parliament' in gradu celsiori videl't inter Duces & Comites ut Marchio.*

---

*Of the Earls Place in Parliament by his Patent.*

16. **A**fter the Kings Title and the Preamble in the *Sciatis*, these words are also in the Earls Patents, *viz. Prefat' N. in Comitem A. &c. creavimus per gladij cincturam & Capæ honoris & Circuli aurei impositionem investimus Habendum, &c. honorem Comit' A. &c. prefat' N. & heredibus masculis de Corpore suo exeuntibus, &c. (Then as to Parliaments,) Et quod dictus N. & heredes sui Masculi predicti & eorum quilibet habeat teneat & possideat sedem locum & vocem in Parliamentis & Consilij nostris heredum & successorum nostrorum infra regnum nostrum Angl' inter alios Comites ut Comes A.*



CHAP.

X.

*Note*, It is not here said *inter Marchiones & Vicecomites*, because they were Degrees erected after the Earls.

---

*Of the Viscounts Place in Parliament  
by his Patent.*

17. **A**fter the Kings Title and the Preamble, and the *Sciatis*, these words are also in the Viscounts Patents, *viz.* *Prefat' A. in Vicecomitem N. &c. creavimus ac ipsum insignijs Vicecomitis investimus, &c. Habendum, &c. honorem Vicecomitis N. &c. Et quod idem A. & heredes sui Masculi gerant titulum Vicecomitis N. &c. Et heredes sui Masculi predicti.* (Then as to Parliaments,) *Et eorum quilibet habeat teneat & possideat successive sedem locum & vocem in Parliamentis & publicis Comitijs* (in the first Patent to Beaumont it is *Congregationibus nostris*) *heredum & successorum nostrorum infra Regnum nostrum Angliæ inter alios Vicecomites & ante omnes Barones ut Vicecomes.*

*Of the Barons Place in Parliament  
by his Patent.*

18. **A**fter the Kings Title and the Preamble in the *Sciatis*, these words are in the Barons Patent, *Prefat' A. B. &c. ad honorem Baronis B. &c. creavimus ipsumq; A. B. Baronem B. Creavimus, &c.* (no mention of Investitures) *Habendum, &c. honorem A. B. heredibus suis Masculis, &c. per nomen Baronis B. de C. & heredes sui Masculi predicti.* (Then as to Parliaments) *Et eorum quilibet habeat teneat & possideat sedem locum & vocem in Parliamentis publicis Comitibus & Conciliis nostris heredum & successorum nostrorum infra Regnum nostrum Angliæ inter alios Barones ut Barones Parliamentorum publicorum Comitiorum & Consiliorum.*

*Note*, That the word *Chevalier* is in his Writ, but not in his Patent, nor the word *Dominus*, which was us'd in ancient Patents, is also disus'd in the latter Patents.

*Of the Conciseness of ancient Patents.*

19. **H**ere I must observe how wanton the Penmen of these Patents have been in latter days, by multiplying words in them, which former ages thought superfluous, and even the Sages of the Law, who are the most knowing in what is sufficient, have anciently and do still reject them (as may be seen in the Thirteenth Chapter) and yet the Jurisdiction and Priviledges which are granted to those Sages are little inferiour to what is granted in these, whereas those Patents do not contain (besides the names from the *Sciatis* to the *Teste*) above twelve words, and these by the redundancy of Sentences, at least one Thousand two Hundred words.

*Of Creation-Money.*

20. **I**N the recital of the *Sciatis* (in *Self*. 8.) I did omit the extravagant flourishes, which are us'd in many of these Patents about *Creation-Money* and *Annuities* given to the Patentees.

Concerning an Annuity of twenty Marks  
granted in the Patent of Creation.

21. **I**Mmediately after the words *gaudent*  
and *utuntur* (in the *Sciatis* at large,  
a little before mention'd) these words  
follow: *viz.*

*Et quoniam aucta status & dignitatis cel-  
situdine necessario crescunt sumptus & acce-  
dunt onera grandiora: ut predictus A. &  
heredes masculi sui predicti melius decentius  
& honorificentius statum honorem & digni-  
tatem predictam Vicecomiti N. ac Onera  
ipsi A. & heredibus suis masculis predictis in-  
cumbentia manutenere & supportare valeat,  
Ideo de uberiori gratia nostra dedimus &  
concessimus eidem A. & heredibus masculis  
de Corpore exeuntibus feodum sive annualem  
redditum tresdecim librarum sex solidorum  
& octo denariorum legalis monet' Angliæ.  
Habendum & percipiendum annuatim di-  
ctum feodum sive annualem redditum tres-  
decim librarum sex solidorum & octo dena-  
riorum eidem A. & heredibus suis masculis  
de Corpore Exeuntibus de exitibus profti-  
tuis, et reventionibus magnæ & parvæ  
custumæ et subsidij nostris nobis concessis  
sive debitis seu imposterum nobis heredibus  
seu successoribus nostris concedendis sive de-  
bendis*



CHAP. bendis provenientibus crescentibus siue emergentibus infra portum Civitatis nostræ Londini per manus Custumariorum siue Collectorum nostrorum heredum et successorum nostrorum custumarum et subsidiorum nostrorum heredum et successorum nostrorum ibidem pro tempore existentium ad festum Pasche et Sancti Michaelis Archangeli per equales portiones volumus, &c. absq; sine hanaperio, &c. et quod Expressa mentio, &c. and so concludes, in cuius, &c. Teste, &c. (too tedious to recite) making above one Hundred words more : and almost the like is to an *Earl* for 20 *l.* per annum, so as the Money given will scarce pay for the words written, or but little left to support such a Dignity, unless the meer expression of the uberious munificence of the Donor be sufficient.

Sure it was less chargeable, and as effectual when the words of the whole Patent of Creating the *Earl* of *Essex*, tempore *H. 2.* and others in other Kings Reigns was only thus : viz.

*Do & concedo G. de M. pro servitio suo, & heredibus suis post eum hereditabiliter ut sit Comes de Essexia, & habeat tertium denariorum Vicecomitatus de placitis, sicut Comes habere debet in Comitatu suo.* So here was both the Honor, the Service, and the Reward mention'd in less then thirty words.

There

There is nothing alledged for the length CHAP. X  
of these Patents, but that the latter Ages  
(as 'tis said) are more cautious than the  
former, and that *abundans cautela* (say  
we) *non nocet*, which occasions an abun-  
dance of words more than anciently were  
in use.

As to the smalness of the *Creation-Mo-  
ney*, those who have taken pains in Writing  
about raising of the price of Money, both  
*Gold* and *Silver*, since *Edward* the Third's  
time, tell us, That there are three ways  
of raising it; First, By *encreasing the Va-  
lue* of it, that is by giving more parts to  
it than originally it had, as by ordaining  
an Angel of *Gold* to be valued at 2 11 s.  
which was Coin'd for 10 s. or a Shilling,  
to be valued at 14 d. The Second, By *di-  
minishing the Matter*, but leaving the same  
Name and Value to the Money which it  
had before, as when Angels or Shillings  
are Coin'd by the same Name and Value  
as before, but diminished some Grains  
in the weight; or if new Names be given  
to them, and the same Value retain'd, but  
the weight diminished, for in this case there  
being really less *Gold* or *Silver* in weight  
in the price than was before, and the va-  
lue remaining the same, this *Silver* and  
*Gold* which remains hath an high price  
set upon it. The Third is, When the Va-  
lue

CHAP. lue remaining the same, of the Species of  
 X. Money, and the Weight the same, the fineness is abated by putting more Allay to it, so as really then there is less Gold or Silver in fineness (for it is supply'd by Copper (which is usually the Allay to either) whereby the Weight is made the same as before, but the Fineness so much less. They further tell us, That the Causes of these Allays, are first the Gain which the *States* make by it, the better to supply themselves in their necessities for Money; the other Cause is an Art which all States do frequently use (as it were) to rob one another of their Money, *by vying* one upon another, who shall raise their Money highest; and this occasions the raise and fall of Exchanges of Money among our Merchants, which is a Mystery worth the knowing, by every one that serves in Parliament, thereby to prevent Injuries, and to maintain the Honour and Profit of our Kingdom.

But whatever uncertainties are in the raise or fall of Money, this is certain, That 20 *l. per Annum*, in those days, did go as far (if not farther) in managing Mens occasions (where Money was to be us'd) as 200 *l. per Annum* now; and one great Reason was, Because in almost all matters of Wars or Peace, the Tenants  
 were

were obliged by their Tenures, to supply CHAP.  
X.  
their Lords, especially in Provisions for Hospitality and Labour, without Wages, or very little, so as a little Money was lookt on as a great Reward, as may be seen in the Tenure of the Lord of the Mannor of *Carlton* in *Norfolk*, who is oblig'd every year, with himself and his Servants, to present to the King a certain number of Herrings from the City of *Norwich*, (with which the Town of *Tarmouth* are oblig'd by their Patent to supply that City for that purpose) and after three days stay, upon delivery of the Herrings to the King, the Lord of *Carlton* is to be presented by the Master of the Green-Cloth with a Groat, to buy him a pair of Gloves, as a full Recompence of his Trouble, and this continues to this day.

So as if we look upon the gift of 20 *Mark*, or 20 *l.* according to the present Adequation of Money, to the rates of other things, it may seem a Sum derogatory to the Honour of the King that gives it, as to him that receives it, and therefore it must be considered as the Groat, a Gift of Antiquity, Noble and Liberal in its first Intention; but had the large *Encomium* to it (before recited) been as ancient as the Gift, I should not at this time have taken notice of its exuberancy. However (in  
pur-



CHAP. pursuance of my Design) these Patents of  
X. *Creations* do intitle them where to sit in  
the Lords House, &c.

Thus having done with the Patents which concern the Lords Spiritual and Temporal, I intended to have writ something here concerning the Antiquity and present Use of Seals and Labels to Patents and Writs, and of various Superscriptions to the Lords and Commons, &c. as also of Wax, Parchment, &c. (as necessary Utensils for carrying on the Constitution of a Parliament) but I shall reserve the Discourse of them till I have past through the Parliament-Writs, as well concerning the House of Lords as House of Commons, and Convocation-Houses, and so now proceed to the General Titles given to the Grandees of the House of Lords, viz. *Nobles, Lords, and Peers.*

---

## C H A P. XI.

*Of Nobles, Lords, and Peers.*

I Have past through the four first Exemplar Writs in the *Pawn*, concerning the Lords Spiritual and Lords Temporal, and given an account also of so much of their Patents of Creations as relate to Parliaments. But in respect these Nobles are sometimes call'd Lords, and sometimes Peers, and thereupon the very place where they sit in their High Judicatory is call'd the *House of Lords* or *House of Peers*. I think fit to hint some few Memorials before I proceed to the Fifth Exemplar of *Assistant Writs*.

1. It is agreed by all Inspectors of Words, that Lords and Peers are of the same signification with us, that *Domini* and *Pares* had with the old *Romans*, so as we and the *French* are equally beholding to the *Latin* for them: but when the word *Dominus* was chang'd into the word Lord, (having no more affinity of sound or Orthography than *Comes* and Earl) or when *Pares* into *Proceres* (of a nearer sound) may be a question, but it may be sufficiently evident, that the word Lord was the Abbreviation  
T of

CHAP. of *Louerd*, which the *Saxons* at their first  
 XI. coming, about the year 448. used here  
 instead of *Dominus*.

2. As for the word *Peer*, we commonly use it as signifying a Defence, as *Dover-Peer* and *Tarmouth-Peer*, &c. which is from *Petra*, a *Rock*, which the *French* write *Pierre*, and we *Peer*, these Artificial Peers being made in imitation of Rocks, to defend the Land against Inundations, and it may very aptly allude to the Noble Peers in Parliament, who are the Rocks or Peers of our Safety.

3. To pass this, it is allow'd, That *Pares* in *Latin*, *Paires* in *French*, and *Peers* in our *English* Dialect, are all three words of the same sence, signifying *Parity* or *Equality*, and as the *French* had it from the *Romans*, by whom they were call'd *Pares Curiae*, viz. *Qui ab eodem domino feudum retinent*, so we had it from the *French*, who in the year 778. when *Charles* the Great (being then King of *France*, and soon after Emperour of the *West*) did put all the Government of *France* into the hands of Twelve of the most eminent Nobles, who thereupon were call'd by the Title of the *Twelve Peers of France*, being *Pares Gubernatores Franciæ*, or in their Language *Paires d' France*, whereof six were Lords Spiritual, viz. the Archbishop of

of *Reims*, the Bishops of *Laon* and *Langres*, CHAP. XI.  
 (who also were stil'd Dukes) the Bishops  
 of *Beauvois*, *Chalois* and *Nàyon*, which  
 three latter were also stil'd *Comtes* or Earls,  
 and six were Lords Temporal, viz. the  
 Dukes of *Burgundy*, *Normandy*, and *Gui-  
 enne*, the Earls of *Flanders*, *Champaigne*,  
 and *Tholose*; the six Ecclesiasticks do con-  
 tinue to this day, but the Territories of  
 the other six being either united to, or  
 alienated from the Crown, do now con-  
 sist of such Princes of the Blood or Fa-  
 vorits (without limitation by number of  
 six) as the King thinks fit; but those  
 who are, do enjoy the Privileges of the  
 Original Peers constituted by *Charles* the  
 Great.

4. From this Constitution it is concei-  
 ved, we in *England*, (upon the *Normans*  
 coming) did make use of something of  
 that method, and did then also first make  
 use of the word Peers, although in truth,  
 as I said, both of us had it from the *Ro-  
 mans*; we also made use of their number  
 Twelve, as may be observed in the Eccle-  
 siastical Parliamentary Degrees, viz. first  
 Archbishops, secondly Bishops, thirdly  
 Archdeacons, fourthly Deans of Chap-  
 ters, fifthly Proctors of Chapters, and  
 sixthly Proctors of the Clergy; and six  
 also are of the Temporal Degrees, viz.

T 2

first



CHAP. first Princes of the Blood, secondly Dukes  
 XI. not of the Blood, thirdly Marquesses,  
 fourthly Earls, fifthly Viscounts, and  
 sixthly Barons. These being so propor-  
 tion'd into twelve Degrees, but not into  
 twelve Persons, I shall pass to what others  
 have spoken concerning the number of our  
 Peers.

5. In respect the Peers of *France* were  
 anciently confin'd to a certain number of  
 six and six, some of our *English* Writers  
 would also confine ours to a certain num-  
 ber, some to five and some to fifty. But  
 herein we may trust that learned *Selden*,  
 who saith, That *the number of Peers with*  
*us, was never confined to any more certainty*  
*than the Lords of the Parliament are ; for*  
*(saith he) whereas only the number of five*  
*Peers are mentioned in some Records, that*  
*can be no Rule of certainty ; because at this*  
*day the number Five doth legally express*  
*Seven ; (as it doth in the Parliament Writ*  
*to the Warden of the Cinqueports or five*  
*Ports ; There being in truth (saith he)*  
*Seven of them, and so consequently return-*  
*ed ; whereas there are eight Ports called*  
*Cinqueports, and so returned ; (as will be*  
*shewn in the second Part ) but however*  
*the mistake be in that Grave Author, yet*  
*with submission to his great Learning, I*  
*conceive this might have been better re-*  
*concil'd :*

concil'd: for the old Writers who mention- CHAP.  
ed five, might intend the five Degrees of XI.  
Nobility under the Princes of the Blood,  
*viz.* Dukes, Marquesses, Earls, Viscounts  
and Barons, which makes the compleat  
Temporal Degrees in Parliaments.

And what others write of Fifty, that  
number without doubt did relate to the  
number of which those five Degrees did  
in those days consist; which were now  
increast to Eighty eight, (as may be seen  
in this *Pawn*) besides those of the Blood  
Royal, and the Lords Spiritual, and Assi-  
stants, and have varied in number almost  
in every Kings Reign. But I rather be-  
lieve, that there was some mistake in mak-  
ing use of this number Five, by applying  
it *Personally* and not *Virtually*; for an-  
ciently, and even to this day, the number  
five, that is five Lords, do with that num-  
ber Constitute the House of Lords for the  
dispatch of lesser Affairs, till a greater num-  
ber come, fit for greater Affairs; and so  
the number of fourty Members, whether  
Knights, Citizens, or Burgesses, or some  
of either, do Constitute an House of  
Commons, yet these also do not proceed  
to weightier matters, till they be supplied  
with a greater number; so as the number  
five may be well thought to have its rela-  
tion to the House of Lords, and the num-

CHAP. ber of fifty to the House of Commons.

XI.

6. But not to insist further about the definite number of Lords or Peers, or about the derivation of the words Lords and Peers; I shall give a touch of the words *Prælati*, *Magnates* and *Proceres* us'd in the *Latin* Writs and Patents; and herein, if we consider the first Institution of this House, it did and still doth consist of Lords Spiritual and Lords Temporal, (diversified into several Degrees) as Archbishops, Dukes, &c. yet the Lords Spiritual were known only by the Title *Archiepiscopi* & *Episcopi*, *i. e.* Archbishops and Bishops; and the Temporal only by the Titles of *Comites* and *Barones*, *i. e.* Earls and Barons; in general terms the Lords Spiritual were called *Prælati*, *i. e.* Prelates; (in relation to matters which concern the Soul, which hath preference or prelation to that of the Body) and the Lords Temporal were called in general *Magnates* & *Proceres*, *i. e.* Lords and Peers, (intimating Persons of the greatest Power and Domination) and being the chiefest Peers and Supports (as I said) of the King and Kingdom.

7. But in *Henry* the thirds time, certain Persons called Abbots and Priors, (who were the Fathers, Heads and chief Governors of Monasteries, or of such Houses as  
were

were possess'd by Monks and Canons living in those Houses, with an intent or pretence of weaning themselves from the World, and disposing their minds to a contemplative life) and these being of a mixt nature, partly Regular and partly Secular, and (In respect of their great access of Territories given by the charity of others to support them) Baronial did step in between the Lords Spiritual and the Lords Temporal, and so were called *Prælati* with the Bishops, and *Magnates & Proceres* with the Lords Temporal. But *Hen.* the Eighth (as I have shewn) did dissolve them, so that the Bishops have now the single Title of *Prælati*; and the Temporal Lords, of *Magnates & Proceres*, for we see in the Summoning of this Parliament, (when Bishops were excluded, the words *Cum Prælati* was left out, but being restored, then they were equally Summon'd to sit, *inter Prælatos, Magnates & Proceres*, and the preposition *Inter*, is properly inserted; for however their sitting is, yet the Bishops are called over, between Viscounts and Barons.

8. Now as Abbots and Priors were thus interposed in *Henry* the Thirds time; so in the time of *Edw.* the Third (as I have shewn) Dukes began, and as they increased, did step in before Earls and



CHAP. Barons; and in *Rich.* the Second's time  
 XI. Marquesses began, and as they increas'd  
 also step'd in between Dukes and Earls; and  
 in *Hen.* the 6<sup>th</sup>s. time Viscounts began, and  
 as they increas'd did step in between Earls  
 and Barons; so as Originally, according  
 to the dates of their Admissions, these  
 Lords Spiritual and Temporal were all  
 Peers, *i. e. Pares, pari gradu*, the Bishops  
 were *Pares inter seipsos pari gradu Episcopali*, (the Abbots, &c. in their time,  
 were *Pares inter seipsos*, and both of  
 those Degrees were also *Pares* upon a Ba-  
 ronial account; (so the Dukes and Mar-  
 quesses being Earls or Barons before they  
 were created Dukes or Marquesses, in  
 respect of their Earldoms or Baronies  
 were Peers to the Earls and Barons; and  
 the Viscounts also, (most of them being  
 Barons before they were created Viscounts)  
 in respect of their Baronies were Peers  
 also to the Barons; so also upon a Ba-  
 ronial account they were *Pares pari gradu  
 Baroniali*: Till Patents of Creation did  
 more exactly distinguish them, without  
 relation to Baronies; so as now to speak  
 properly, each Degree are *Pares* or *Prees*  
 to their distinct Degrees.

9. I must here again make use of my  
 former observation, *viz.* That in the Writs  
 to Dukes they were Summon'd to be pre-  
 sent

sent in Parliament, *Cum Magnatibus & Proceribus*; and so are the Marquesses, Earls, Viscounts and Barons, yet the Patents to the Dukes do place them *inter Proceres & Magnates*, putting *Proceres* or *Peers* before *Magnates* or *Lords*; and in the Patents to Marquesses, they are placed *inter alios Marchiones*; and the Earls *inter alios Comites*; and the Viscounts *inter alios Vicecomites*; and the Barons *inter alios Barones*. But none of the Lords Patentees (except the Dukes in relation to their places) do take any notice of the position of the words *inter Proceres & Magnates*; for the Earls and Barons Patents have reference only to their own Degrees and not to the three other Degrees; so as *Proceres* or *Peers* is applied only to the Dukes in their Patents of Creation.

10. This is all that I can satisfy myself in concerning the use of the words *Lords* and *Peers*, *Prælati*, *Magnates*, & *Proceres*; and that this may be the more satisfactory to others, I shall recite the words of the learned *Selden*, (in his *Titles of Honour*) whose lasting Credit is beyond exception; (saith he,) *Though there be a distinction of Degrees in our Nobility, yet in all publick actions they are Peers or Equals; (as in the Tryals of Noblemen, &c. in which the Spiritual Lords never did*

or

CHAP. *or do concern themselves Personally, because*  
 XI. *it is against their Canons to act in any mat-*  
*ters which relate to Blood) yet whatever*  
*Acts pass, these words are inserted, viz. We*  
*the Lords Spiritual and Temporal, &c. with*  
*the Kings Assent, &c. for though the Lords*  
*Spiritual consist of Archbishops and Bi-*  
*shops, and the Lords Temporal of Princes*  
*of the Blood, Dukes, Marquesses, Earls,*  
*Viscounts and Barons, yet they are all in-*  
*cluded as Peers in the words Lords Spiri-*  
*tual and Temporal, and so in many cases*  
*the word Peers is also generally applied;*  
*so that, as the words Lords and Peers*  
*have been of latter times intermixedly*  
*used, we cannot well make a difference*  
*between them otherwise than is before*  
*expressed.*

II. That the words Lords and Peers  
 have been used promiscuously, in relation  
 to the five Degrees of the Lords Tempo-  
 ral, is evident from the Commissions issued  
 for the Trials of the Earl of *Strafford*,  
 1640. the Lord *Morley*, Anno 1665. the  
 Lord *Cornwallis*, Anno 1676. the Earl of  
*Pembroke*, Anno 1678. wherein the words  
 are, *Damus autem Universis & singulis*  
*Ducibus, Marchionibus, Comitibus, Vice-*  
*comitibus & Baronibus, &c.* (without men-  
 tioning *Prælati*, for reasons before men-  
 tioned) and though the Earl of *Strafford*  
 and

and Earl of *Pembroke* were Earls, yet by the CHAP. Comission they were triable, *per Barones*, XI  
*Vicecomites, Comites Marchiones, & Duces*, and not by Earls only; and so though the Lord *Morley* and Lord *Cornwallis* were only Barons; yet they were triable by Dukes, Marquesses, Earls and Viscounts, and not by Barons only, whereby the word Peers seems to be a word of eminency, giving no real distinction to those five Degrees of Nobility; so as all the Degrees of the Temporal Lords are Peers, and the Peers Lords; to confirm this, I shall cite one passage more from Mr. *Selden*, who saith, *That though we borrowed the word Peers from the twelve Peers in France, yet here we apply it to all the Lords in Parliament, and not to any set number of them; because (saith he) the number of our Nobles may be more or less, as the King pleaseth: and as Marquesses and Viscounts were (as I said) interpos'd to Dukes, Earls and Barons, so he may abstract less, or add more, as he thinks most fit, for the support of Nobility, for he is Dominus Nobilitatis & Honoris, or the Fountain of Honour; and that this Prerogative may be more fully seen herein, in the 21. of Jacobi (it being needless to quote former precedents) five several Writs were issued after the Pawn was settled;*



CHAP. settled; yet entred in the Margent of the  
 XI. *Pawn* for that year, to five several persons, viz. to the Lord Grandison, Sir Robert Chichester, Sir John Sucklin, Knight, Comptroler of the Kings House, to Sir Thomas Edmunds, Knight, Treasurer of the Kings Household, and to Sir Richard Weston, Knight, Chancellor of the Exchequer, to summon and impower them to sit in the Lords House, who otherwise had no right of *Tenure, Prescription* or *Creation*. So in the first of *Caroli primi*, six several Writs were issued (and also entred in the Margent of the *Pawn* for that year) viz. to Oliver Lord St. John, and again to Sir Thomas Edmunds, Sir John Sucklin, Sir Richard Weston, and to Sir Robert Nanton, Knight, one of the Kings Privy-Council, and to Sir Humphry May, Chancellor of the Dutchy of *Lancaster*; and so in 15 *Car. primi*, two Writs were issued and also entred in the Margent of the *Pawn* for that year, viz. to Charles Viscount Wilmot, of the Kings Privy-Council, and to Edward Newburgh, Knight, then Chancellor of the Dutchy of *Lancaster*, and also of the Kings Privy-Council.

12. To sum up all, I apprehend, That those Lords Spiritual which are summon'd by Writ to sit in Parliament are Vital Peers, and the Lords Temporal so summon'd are

are hereditary Peers, for there are other *English* Lords, which may be, but are not summon'd, and thereby are no Parliament Peers, yet are Lords, and upon an hereditary account also; for the King (as I said) can summon or not summon any of them when he thinks fit, unless any Lord claims a right by Patent of Creation, or otherwise, and then upon that right he demands his Writ, and it is seldom denied, if the grounds of their demands be right, if dubious, the Case is debated in the Lords House, as in the Case of the Lord *Abergavenny*, &c.

Some are of opinion, That the Lords Temporal are only to be accounted Peers, and not the Lords Spiritual, first, Because they sit there rather by their Writs of Summons than Tenures, as anciently they did; secondly, Their Titles of Lord is but vital at most; thirdly, In case of Treason or Felony committed by a Spiritual Lord or Lord Temporal, the manner of trying them upon Indictment and Judgment upon Conviction are clearly different, as will be shewn in the Chapter of *Trial by Peers*.

13. Notwithstanding these Allegations, it is evident, That the Lords Spiritual are *Pares* or Peers, but *inter seipsos gradu Episcopali & vitali*, but not *Pares* to the Tem-

CHAP. Temporal Lords, who are *Pares gradu bæ*

XI. *reditario Nobilitatis & honoris*, either Descendent or Created, so that though all the Lords in the Lords House may be said to be Peers, yet the Lords Temporal being in *gradu celsioris Nobilitatis*, are more properly to be accounted so than any other Degree; in respect that as their Interest is greater than any other Degree, so they cannot be said to be *Pares* to any lesser than themselves, and therefore it may aptly be said, that none but such Dukes, Marquesses, Earls, Viscounts, and Barons as are summon'd by Writ to sit in Parliament, are to be accounted Peers of the Realm, or of Parliament. All other Degrees of Nobility, or Degrees under these five Degrees, are only *Pares sui cujusq; ordinis*, and not *Pares Regni*, and so the House of Commons, in time of Parliament, are *Pares minoris Nobilitatis*, and the Lords of the Lords House, *Pares majoris Nobilitatis*.

The next subject that I am guided to treat of, is concerning Proxees to the Lords Spiritual and Temporal, which may be made either of Lords or Peers, or of neither Lords nor Peers, yet by this Proximation are, *pro hac vice*, nobilitated.

## C H A P. XII.

*Of Proxees.*

**I** Am now to speak of such as are substituted by the Lords Spiritual or Lords Temporal, to sit in the Lords House, and these are called by the name of *Proxees*.

1. The *Latin* word for *Proxee* is *Procurator*, which is sometimes English'd *Proxee*, and sometimes *Proctor*, according to the Employment of the Person to whom it is apply'd.

*Proxee* in a Parliamentary sence is constantly apply'd to such a Deputy or Substitute as is chosen by any Lord Spiritual or Lord Temporal (by Licence first had from the King, in case of just occasion alledged for absence) to supply his Deputy in the Lords House, and thereupon his Vote to be as significant to all purposes, as if the absent Lord were present; and therefore the word *Proxee* may well be thought to be only the *Tachygraphy* or short writing of *Proxime*, signifying the next in Judgment, Opinion, Degree, or Quality to the Lord who chooseth him for his *Proxee*.

But



CHAP. But *Proctor*, which is the most literal  
 XI. abbreviation of *Procurator*, hath several applications, first to such as are in some sort a Limb or Branch of Parliaments, viz. such as are chosen by the Chapters and Clergy, together with Archdeacons and Deans, to represent the whole Clergy, as Knights, Citizens and Burgeſſes do the Laity or whole Commons of *England*; but these are more usually call'd Representatives, the other constantly Proctors, both being deputed by distinct Degrees to distinct Purposes, as will be more fully shewn.

Secondly, There are also Proctors for the two Universities of *Cambridge* and *Oxford*.

And Thirdly, Proctors of Ecclesiastical Courts, which have no other relation to Parliaments than according as they are concern'd in Elections.

The *Proxees* which are admitted to the Lords House are like those in the old *Roman* Empire, call'd *Procuratores Cæsaris*, (which were the chief of four sorts of *Procuratores* amongst them) because that first and chief of the four were only imploy'd *ad Res publicas administrandas*, (the other three for lesser matters) and so the *Proxees* of the Lords House being the chief of all other *Proxees*, are to be esteemed *Publicarum*

*carum rerum administratores*, as fully as the CHAP.  
absent Lords (except in some particulars XII.  
as to Place, Continuance, &c.)

2 These Noble *Proxees* are (as I said) lincensed by the King, upon the Petition or Request of some Lord Spiritual or Lord Temporal, and are not usually made of Strangers, (who are not Members of the Lords House) nor of the Assistants of that House.

When the absent Lords occasions of absence have not been just, or his absence inconvenient to the Publick, the King hath often deny'd to License their *Proxees*; but when the Allegations have been just, the *Proxee* hath been sometimes allow'd without the Kings License.

Sometimes it hath been allow'd to the absent Lord, to make a *Proxee* of such a person as is otherwise incapacitated to sit in the Lords House, (for by this he is nobilitated) but there hath been none such allow'd in this Parliament.

3. Generally the absent Lord doth fix upon such a Lord as (I said) doth sit in the Lords House, by his own Right and Writ of Summons, whereby the *Proxee*-fitting Lord hath a double Voice, one for himself, the other for the absent Lord to whom he is *Proxee*.

CHAP.

XII.

4. These Noble *Proxees* are made sometimes before the sitting of a Parliament, (after the Writs are issued) and sometimes in the time of their sitting, and their Deputations both before and after the sitting have several Forms, as will be shewn.

5. In former times the Lords Spiritual had the privilege to make two or three *Proxees*, but since the dissolution of Abbies, and that Abbots, &c. were excluded, no *Proxor*, or absent Lord, doth make but one *Proxee*.

6. The Licenses for *Proxees* (as I said) were granted by the King, upon the absent Lords Petition; which Petition from *Edward* the Third's time was in this Form:

*Serenissimo Principi Domino Edwardo Dei gratia Regi Angliæ, Franciæ & Hi-bernæ Domino, &c. Quia impedimentis varijs & arduis negotijs, &c. sumus multipliciter impediti quo instante Parlamento vestro apud Westmonasterium in Quind', &c. proximo futur' personaliter esse non valentes.* (And so others, for other reasons) pray that he may be allow'd his *Proxee*; whereupon License was granted, as may be seen in ancient Journals, but more lately in *Queen Elizabeth's* time, thus:

*Right-*

*Right-trusty and well-beloved, We greet you well. Whereas we are inform'd, That by reason of Sicknesse you are not able to make repair hither to this our Parliament, to be holden at Westminster, We have thought good, by these our Letters, to dispense with you for your absence, and to License you to remain still at home for this time, so nevertheless that you send up your Proxee, of such Personage as may be for you in your Name, to give his Voice and Assent, or Denial, to such Matters as shall be concluded on in our said Parliament. And this our Letter shall be your Warrant.*

*Given under our Signet at our Palace at Westminster, the 20th of November, in the Eighth Year of Our Reign.*

8. These Licenses are usually entred in the Signet or Privy-Seal-Offices, (and pass no further) but are certified to the Lords when sitting.

9. This regular Method of Licenses continued till about the end of Queen Elizabeth's Reign, but by the kindness (or connivance of her Successors to the Nobles) there hath been of late no more Ceremony us'd than a Verbal Motion to the King; and some Nobles by that Indulgence have constituted *Proxees* without application



CHAP. to the King, only adding in their Deputa-  
 XII. tions to their *Proxees* (viz. *per Licentiam Domini Nostri Regis*) conceiving that the very mentioning of the Kings License was a sufficient acknowledgment of his Prerogative herein ; however these following *Proxee-Deputations*, or derivative Writs (which I cite as Precedents) were regularly obtain'd.

---

*The Form of a Proxee-Licence from one Lord Temporal to another before the sitting of a Parliament.*

10. **O**Mnibus Christi Fidelibus ad quos hoc præsens scriptum pervenerit, Rupertus Palatinus Rheni, Dux Bavarix & Cumbrix, Comes Holdernes in regno Angliæ salutem Noveritis me præfatum principem (per Licentiam Serenissimi Domini nostri Regis) a suo Parlamento tenendo & inchoando apud Westmonasterium in dicto regno Octavo die Mensis Maij proximo futuro sufficienter excusatum abesse ; Nominare ordinare & constituere dilectum mihi in Christo prænobilem & honoratissimum virum Jacobum Ducem, Marchionem & Comitem Ormondix, Comitem Osorix, Carrickix & Breconix Dominum Thurles Baronem, meum

meum verum certum & indubitatum Fa-  
ctorem, Attornatum & Procuratorem, CHAP.  
eidemq; Procuratori meo dare & concedere XII.  
plenam Authoritatem & Potestatem pro  
me & nomine meo, & de super quibuscunq;  
causis exponendis seu declarandis tractandis,  
tractatibusq; hujusmodi mihi factis seu faciendis,  
Concilium nomine meo impendendum. Statutisq;  
etiam & ordinationibus quæ ex maturo & deliberato  
Judicio Dominorum in eodem Parlamento  
Congregatorum, inactitari seu ordinari  
contigerint nomine meo consentiendum,  
eisdemq; (si opus fuerit) subscribendum,  
Cæteraq; omnia & singula quæ in præmissis  
necessaria fuerint, aut quomolibet requisita  
facienda & exercenda, in tam amplo modo &  
forma prout ego ipse facere possem, aut deberem  
si præsens personaliter interesssem, ratum &  
gratum habens & habiturus totum & quicquid  
dictus Procurator meus statuerit & fecerit, in  
præmissis. In cujus rei testimonium præsentibus  
subscripsi, Sigillumq; meum apposui datum  
apud Westmonasterium decimo sexto die  
Aprilis Anno Regni dicti Domini nostri Caroli  
Secundi Dei gratia Angliæ, Scotiæ, Franciæ &  
Hiberniæ Regis fidei defensoris, &c. decimo  
tertio Annoq; salutis nostræ 1661.

CHAP. II. This was subscribed (*Rupert*) and  
 XII. sealed with his Seal at large upon an annexed *Label*.

12. All *Proxee-Writs* of this nature are given into the Clerks of the Parliament before the *Proxeees* are admitted, and their Licenses either produced to the Lords (if written) or affirm'd by some other Lords that the Kings consent was thereto.

13. This was the only derivative *Proxee-Writ* which was made by a Lord Temporal of this Parliament, 1661. before the Sessions, and though the Foreign Titles of the *Proxor* and of his *Proxee* are mention'd in the Writ *Honoris Gratia*, yet it operates nothing in this Case; for as the *Proxor* could not make a *Proxee* without the Kings License, written or verbal, so he could not be a *Proxee* by virtue of his Foreign Titles, but only by their *English* or *Welsh* Titles, viz. as Duke of *Cumberland* he was *Proxor*, not as Palatine of the *Rhine*, or Duke of *Bavaria*, and the Earl of *Brecknock* was his *Proxee*, as Earl of *Brecknock*, not as Duke of *Ormond*.

14. Had there been more of these Derivatives before the Sessions, they must have been in the same words, differing only in the Titles of the *Proxor* and *Proxee*; and those that were made the Parliament sitting,

sitting, viz. the 10th of May, the Earl of *Holland* (before any Prorogation) made the Earl of *Suffolk* his *Proxee*, and are also in the same words with the other Form, *mutato nomine*, and by changing the future to the present, viz. *Tenendo & Inchoando*, to *tento & inchoato*, but after a Prorogation the words are as in the next Writ (at *inde prorogato*, &c.) And these two Derivatives are sufficient to shew the difference between Writs made before the Parliament, or before any Prorogation, and the Writs made after a Prorogation.

15. The recital of Prorogation or Prorogations are not only so in Derivatives, but in all original Writs which are issu'd after a Prorogation, by reason of the death of any Lord, to summon another.

I have entred this Writ to the Archbishop here, though I shall speak more of it when I come to treat of Writs made in time of Parliament, because it contains many Clauses different from the Derivatives to the Lords Temporal, especially in the last Paragraph more observable.



*The Form of the Archbishop of Canterbury's derivative Proxee-Writ to the Bishop of London after a Prorogation.*

16. **O**Mnibus in Christo Fidelibus ad quos hoc præsens Scriptum pervenerit Gulielmus providentia divina Cantuariensis Archiepiscopus totius Angliæ Primas & Metropolitanus Salutem in Domino sempiternam, Cum Serenissimus Dominus noster Rex, quibusdam de causis sublimitati suæ intimatis licentiam a præsentis hoc suo Parlamento tento & inchoato apud Westmonasterium octavo die Maij Anno regni sui decimo tertio & continuato ad decimum nonum diem Maij Anno decimo quarto dicti Domini Regis & inde prorogato ad decimum octavum diem Februarij proximè inde sequentem nobis absentandi ex suo speciali gratia & favore nuper concesserit dummodo fidelem aliquem Procuratorem, vice locoq; meis ponerem ordinarem & constituerem, Noveritis Igitur me præfatum Archiepiscopum dilectum mihi in Christo Reverendum in Christo Patrem Gilbertum eadem divina providentia Dominum London Episcopum meum verum certum & indubitatum Factorem, Actorem, Procuratorem, Attornatum, nego-

negotiorumq; nostrorum Gestorum & Nuntium specialem, nominare ordinare facere & constituere per p'sentes, dando & concedendo eidem Procuratori meo plenam auctoritatem & potestatem de & super quibuscunq; causis & negotijs statum & utilitatem dicti Domini nostri Regis Reipublicæ incolumitatem & Ecclesiæ Anglicanæ quietem concernentibus, quæ in præfato Parlamento qualibet ejusdem sessione per dicti domini Regis statum agitari contigerint tractandi, tractibusq; hujusmodi mihi factis seu faciendis concilium & auxilium nomine meo imponendis etiam & ordinationibus quæ Communi statu prædicta ordinatione ibidem fieri & ordinari contigerint nomine meo consentiendi, & iisdem si opus fuerit subscribendi vel dissentiendi, Cæteraq; omnia & singula quæ in præmissis aut in aliquo præmissorum necessaria fuerint seu quomodolibet requisita faciendi expediendi & exercendi in tam amplis modo & forma prout ego ipse facere possem & deberem si præsens personaliter interesssem, Promittoq; me ratum gratum & firmum perpetuo habiturum totum & quicquid dictus meus Procurator statuerit aut fecerit in præmissis, & sub Hypotheca & obligatione omnium & singulorum bonorum meorum in ea parte cautionem expono per presentes, In cujus rei Testimonium

CHAP. nium manum & sigillum meum Apposui.  
 XII. Dat apud Lambeth' vicesimo primo Novembris Anno regni dicti Domini nostri Caroli Secundi Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regis fidei defensoris, &c. Annoq; Dom. 1662.

17. All derivative *Proxee-Writs* made either from a Lord Spiritual or Temporal, to any of their own Degrees, or of other Degrees, do not continue longer than one Session, without a new Derivative License, or *Proxee-Instrument*.

18. As to the places of the *Proxeees* in the Lords House, they are not mention'd in the Act of Precedency, so I, shall conclude with Mr. *Elfing*, That surely they did not sit in the Lords Seat whose *Proxee* he was, yet in all Councils and Dyets beyond the Seas he does.

19. Though they are Nobilitated by sitting as *Proxeees*, yet they are not to be accounted Peers, unless they were Peers before they were *Proxeees*.

Thus having said as much as I think fit of Writs to the Lords Spiritual and Temporal, both Original and Derivative, I am come to the Fifth Exemplar, concerning the Assistants to those Lords, Peers, and *Proxeees*.

## CHAP. XIII.

*Of the Assistants to the House of Peers, comprized in the Fifth Exemplar of the Pawn.*

I. **H**AVING done with all the Degrees which are mention'd in the Act of Precedencies, and given an account by four *Exemplars* of the Writs to the Princes of the Blood, of the Writs to the Archbishops and Bishops, of the Writ to the Lord Chancellor, of the Writs to the Hereditary Nobles of Parliament, (*viz. Dukes, Marquesses, Earls, Viscounts, and Barons*) as they are mention'd in the *Pawn*, and also given an Abstract of such Patents of Creation as Intitle some of them to be the more capable of Summons, as also of Peers and their Proxies, I come now to the Degrees which are not mention'd in the Act of Precedency, but are compriz'd under the fifth *Exemplar-Writ*, recited in the foremention'd *Pawn*, *viz. to the Lord Chief Justice of England, and of the Consimilars* to his Writ; and these are different from all the former (except the Lord Chancellors, of which I have spoken) because these do not sit in the Lords House by vertue of any Tenure or Patent of Crea-



CHAP. Creation, or according to the Act of Precedency, but only by Writs, as Assistants, (for none do sit there without Original Writs, except Proxies, and Masters of Chancery, &c.) as will be shewn. But before I treat of them distinctly, I shall set down some Observations on their Professions.

1. These Assistants do all profess the Study and Knowledge of Laws, and therefore have their Places allotted in the very heart of the Lords House, that they may with the more ease give their Advice to that Noble Body, in all Matters which concern either the Theory or Practice of what is just or fit to be done.

2. Now there are certain Faculties and Vertues springing from the Profession of these Assistants (*viz.* *Jus*, or Right; *Justitia*, or Justice; *Judicium*, or Judgment; *Ratio*, or Reason; *Prudentia*, or Prudence; *Æquitas*, or Equity; *Discretio*, or Discretion; *Sapientia*, or Wisdom; and *Scientia Legum*, or Knowledge of the Laws :) to which (it is presum'd) they have attain'd, and are thereby made fit for Assistants; yet that these Vertues may be the more distinctly discern'd, I shall take the freedom to explain them.

*Jus*, (the *Latin* for Right) is the foundation on which *Justitia*, or Justice, is built.

*Justitia*

*Justitia* is *status*, or *statio Juris*, quia *Jus stat vel exercetur per Justitiam*. So that *Jus* is the principal, *Justitia* the Efflux of it. CHAP. XIII.

*Judicium*, or Judgment, is the fix'd resolution, determination, or sentence of what is true, or false, good, or evil, just, or unjust.

*Reason* is a Ray of Divine Light, which guides a man to judge what is Just or Justice.

*Prudence* is in the nature of Providence, (from *Providere*) to foresee the conveniencies or inconveniencies of so doing or not doing right to one man, that it may do good to one, and not hurt another.

*Discretion* is also to discern the nature or difference of things represented, and to manage them to their right end, and by this

*Equity* is usher'd in, which is a conscientious care that all things may be equally and proportionably done towards those who expect Justice, when the matter concerns distinct persons, or interests, and then

*Sapientia* or Wisdom advanceth it self, and includes the *Scientia Legum*, or Knowledge of the Laws, and that imployes all the Faculties of the Soul, and hath a particular

CHAP. ticular Intellect and Inspiration to see, improve and manage all things to a just and right end, and teacheth the Professors to instruct others in the principal Rules of perfect Conversation with each other, viz *Honeste vivere, neminem lædere, & suum cuiq; tribuere*, which is to live soberly, and temperately, to offend no man wilfully, and to give tribute to whom tribute belongs, and to every man what is their right to enjoy, or in our power to perform.

All these do constitute a wise man, and the Professors of Laws have more opportunities to demonstrate them to others, and by these Vertues they become Accomplish'd Assistants to a Parliament both in Divine and Human Matters.

3. But the Imbecility of our Human Nature is such, that no man is so universally knowing in all things, as to give a true Judgment of all particulars, without a light or information from others, whereby to judge of what is just, right, or fit to be done; especially in the contentions arising from the Mechanick Arts, or Trades, and some other Sciences, which are a significant part of the Fabrick of any Kingdom, or State; for supposing two Artificers, professing different Arts, are both employed to the perfecting of some Publick Work, wherein  
their

their joint Skills are necessarily required, in which they are at variance upon some mystical parts in their Trades, and without determination of their differences and concerns, neither of them can proceed in the joynt Design; and thereupon they refer themselves to one of the Professors of the Law, to settle the matter between them.

CHAP.  
XII.

But it is vulgarly thought beneath one of these eminent Professors to dive into Mechanick Trades or lesser Sciences; yet both of these Artists informing him of the true state of the mysteries of their respective Trades, the Judge from thence makes a rational determination of what is fit to be done, as well for the support of their Trades, as for the common good to others, by preventing fallacies, or circumventions, or the like contests; and this he gains from the impartments and arguments of these Artists, and so weighing their alternate allegations in one balance, and the common good in another, he makes so peculiar a determination and Sentence, as to convince both parties, and this from the ground of their different Arts and Impartments.

Now the Judge or Justice, even by these dayly accidents, and references, doth dayly gain Knowledge, and by justly managing



CHAP. naging this Knowledge grows to be generally esteem'd a *wise Man*, not only from these lower particulars upon which the Opinion of the Vulgar is founded but from his insight and transacting in matters of a more transcendent nature, which dayly also come before him (either of Publick or Private Concerns.)

But in all Transactions in this World there is a Right and a Wrong, which latter is term'd Unjust, and sometimes it may be positively judg'd to be so; yet it may so happen that *summum jus* may do injury, whereupon there is a necessity of interposing Equity, lest the Wrong by Custom should prove an esteem'd Right, or that Right by necessary fix'd Rules, (which may be safe at one time and not at another) or an unlimited use or power, should slide into Wrong; so as the due and critical time of applying this Equity to *summum jus* (which is gain'd by reading Law and Precedents) doth still improve and exalt the Character of a *wise Man*.

4. But because most men are either negligently or wilfully ignorant in the way of attaining these excellent Vertues, the wisdom of all Governours hath (by the help of these learned Professors) establish'd certain Rules to direct men (which the *Latin* call *Regulæ*, from *Regere*) intimating

ting the care of Governours in Exhibiting CHAP.  
such Rules for the good of those who are XIII.  
under Tuition, but generally such Rules  
are called Laws (which the *Latins* term  
*Leges*, from *Legere*, to Read) so as every  
man, who is not careless of his own Fe-  
licity or Justice towards others, may there-  
by be instructed to what he ought to per-  
form.

5. In ancient times when People were  
not dispers'd into various Regions, nor  
into great Societies of Towns, Cities and  
Kingdoms, but consisted of some few Fa-  
milies, or Villages, it was no hard matter  
to transmit those Rules or Laws to one  
another, by singing them in Meeter, or  
some other ways of Tradition; but when  
those lesser Societies grew into the greater  
forms of Government, their Legislators  
invented a more certain way or art of com-  
municating their just Rules or Laws, by  
legible Characters, Words, and Senten-  
ces, either Writ or Printed, (containing  
those Rules) which (as I said) were ori-  
ginally, only certain tunable unwritten  
Instructions; and after, when mens dispo-  
sitions grew more and more deprav'd,  
there was something of Coertion added to  
those Laws, which Coertions (or inflict-  
ing of Penalties for disobedience to those  
Laws) increas'd with the increase of un-

X

conformable

CHAP. conformable tempers : and herein there is  
 XIII. nothing so great an argument of a wise  
 and good disposition, as when he makes  
 it his study to satisfy himself (and thereby  
 able to inform others) in the knowledge  
 of such Laws or Rules as may make our  
 Lives in this World happy and conscien-  
 tious, which can no ways be obtain'd, but  
 by knowing and obeying good Laws.

6. For these are they (as the learned  
 Sir John Davies says) to which all King-  
 doms and Common-wealths are indebted  
 for all their temporal blessings of Peace,  
 Plenty, Civility, and all moral parts of  
 honesty. By these (saith he) we enjoy our  
 Relations, Lands, Goods, good Names,  
 or what ever is sweet or dear unto us, for  
*quid sunt Regna nisi magna latrocinia sine*  
*Iustitia & Legibus*; the Land would be full  
 of Thieves, the Sea of Pyrats, the Com-  
 mons would rise up against the Nobility,  
 the Nobility against the Crown; without  
 these there would be nothing certain, no  
 Contracts, no Commerce, no Conversa-  
 tion, but Confusion, and even Dissolution  
 of Human Society : for good Laws are  
 Comforts to the Griev'd, Counsellors to the  
 Perplex'd, Reliefs to the Circumvented,  
 Preventions of Ruin to the Improvident,  
 Preservations to the Innocent, Supports  
 to the Impotent; they Relieve the Op-  
 press'd,

Oppress'd, protect the Orphan, Widow, CHAP. and Strangers, they are *Oculi Cæcis*, & XIII. *Pedes Claudis*; (Cures for lame and blind) To sum up all, they are the Secular Arms to defend both the Church, True Religion, and the Common-Weal of the Kingdom or State.

7. For these reasons, the Successive Kings of this Island have constantly (as rewards) set such a mark upon those who are Professors of the Laws, and whose study and experience in Laws have attain'd to so great a sagacity, (as to know how to apply them to the publick good) that the chief of them is made Lord Chancellor, or Lord Keeper of the Great Seal of *England*; (of whom I have spoken, who for the most part hath been a Professor of Divinity, Law, or Equity) the next (of whom I am now to treat) is made Chief Justice of *England*; his very Title *Justice* rendring him in one sense even Superior to the Law it self; (for the Law it self is but *Lex tacens*, but he that distributes that Law, is *Lex loquens*).

8. This Title of *Justice* (given also to every one of the twelve Judges or chief Dispensers of Laws) is so ancient, that in former times they were call'd *Justitiæ*, (as containing that vertue not only in the singular, but in the plural number) and



CHAP. afterwards they were call'd *Iustitiiarii*  
 XIII. *Angliæ*, and *Iustitiiarii*, (without addition of *Angliæ*) and after *Iustitiiarii Regis*, which last Title was to the four Justices of the *Kings Bench*; the chief of which four was anciently called *Summus*, and at this day *Capitalis Iustitarius Angliæ*; (which generally we term in *English*, the Lord Chief Justice of *England*) there was also anciently another sort of *Iustitiiarii ad placita*, (applyed only to the four Justices of the *Common Pleas*, (the chief of which was, and is to this day also called *Capitalis Iustitarius*, (omitting *Angliæ*) and which we in *English* term, the Lord Chief Justice of the *Common Pleas*).

And to ease the People from going for Justice to them, these Justices did go to the People, to distribute Justice.

These Motions in process of time were call'd their Circuits, because they did in a manner go round the Kingdom; and for these Motions they were called *Iustitiiarii Itinerantes*, & *Iustitiiarii ad Assisas*, *Juratas* & *Certificationes*. There were also anciently another sort of *Iustitiiarii*, (which it may be for distinction sake were called *Barones Scaccarii*) consisting also of four; and this Title is applied only to the Exchequer, where their Justice was to be shewn

shewn in the management of the Revenue CHAP.  
of the Crown; and these four also were XIII.  
and are constantly mixt with the other  
Eight, in their *Itineranciis*: in all making  
Twelve.

9. And for further Honor to these  
Eminent Professors, as well out of Par-  
liament as in Parliament, they have pect-  
liar Courts, (as *Regalias* allotted to them)  
wherein they have daily opportunities to  
manifest their Wisdom.

These Professors I divide into three  
Orbs, and their Courts accordingly, *viz.* to  
the Lord Chancellor or Lord Keeper, the  
Court of *Chancery*; to the Lord Chief  
Justice of *England*, the Court call'd the  
*Kings Bench*; to the Master of the Rolls  
(or Keeper of the most eminent Office of  
Records) the *Rolls Chappel*; (in the na-  
ture of a Court) to the other Lord Chief  
Justice, the Court of *Common Pleas*; to  
the Lord Chief Baron, the Court of *Ex-  
chequer*; and these are the five Courts or  
*Regalias* belonging to five of the first Orb  
of that Profession; yet not excluding the  
other Nine: so as,

The second Orb consists of Nine more,  
*viz.* three Justices of the *Kings Bench*, three  
of the *Common Pleas*, and three other Barons  
of the *Exchequer*; and these have gradual  
interests in those three Courts, (as will

CHAP. be shewn) and with the other five do  
XIII. make fourteen, of the first and second  
Orb; and as a further addition of Honor,  
twelve of these fourteen (in their Circuits  
twice every year) have Courts also pro-  
vided for them, almost in every County  
of *England* (as will be shewn.)

The third Orb of the Professors of  
Law, are not usually above six in number;  
(yet sometimes more, sometimes fewer  
(as will be shewn) I mean of such only  
as have Summons to sit in Parliament,)  
and these have Courts also allotted for  
them, *viz.* the Kings Serjeants at Law, the  
Kings Attorney General, the Kings Solli-  
citor General, have the Inns of Courts,  
(though common also to under Graduates  
and Students) and the two principal Se-  
cretaries of State have the Kings Court  
or Palace for their *Regalias*; so as the  
before mentioned five of the first Orb,  
and nine of the second Orb, and six of  
the third Orb, (these three Orbs being  
the most eminent of that Profession) have  
not only the Jurisdiction and an Interest  
in the said Courts, but as an higher mark  
of Honour and Esteem, though they were  
no Lords, or Barons of the Realm, yet  
they were and are usually Summon'd by  
Writs to the High Court of Parliament,  
when ever it Assembled, and there they  
are

are also dignifi'd with peculiar Places ap- CHAP.  
pointed for them, and many Priviledges: XIII.  
of which, with their Number, and the  
Causes of Variation of that Number,  
I shall give an Account in the ensuing Se-  
ctions.

10. These (as I said) are imploy'd in  
the Lords House to be Assistants with their  
sage advices, who are perfect knowers both  
of general and particular Laws, viz. in  
the Laws of God and Nature, the Civil  
Laws, (practis'd in most parts of Eu-  
rope) the Ecclesiastick Laws of other Na-  
tions, but more particularly of our own,  
of our Common Statute, Municipal, and  
Customary, (and By-Laws, which are  
*alteræ Leges*) and many others of other  
Titles, which we derive and still retain  
from the old *Roman Empire*, *Saxons*, &c.  
And thus fraught with knowledge of  
Laws, they bring them for the most part  
into the Hive, or compass of our Com-  
mon and Statute Law, and their univer-  
sal knowledge makes them esteem'd Learn-  
ed, their Learning indues them with Wis-  
dom, their Wisdom enables them to be  
Justices or Judges out of Parliament, and  
in Parliament to be Assistants there, for  
the better carrying on of Publick Actions  
and Consultations; so as the present Laws  
may be preserved, or such new ones made



CHAP. XIII. as their Wisdoms shall think fit to advise ; there being sometimes as much necessity of making new, or correcting, altering, explaining, or enlarging the old, as in possibly preserving them ; for when a But-tress hath sustain'd an House many years, and is it self decayed by time, it is to the safety of the House , to have another Sup-porter in its room ; for *tempora mutant mores*, and *mores* may justly *mutare leges*, (considered according to the diversity of circumstances ) and herein consists the great Master-piece of advice, by turning a *nolumus mutare* , into a rational *volu-mus*.

I I. Having now given a short discourse of Law, and the Professors of it in general, occasioning just grounds for their Assist-ance , I shall proceed to the particular Titles of the chiefest Professors of it, and according to my first propos'd Method, go on with the fifth *Exemplar* , mention'd in the aforesaid Parliament Pawn, viz. to the Lord chief Justice of *England*.

The

The Form of the Fifth Exemplar-Writ  
to the Lord chief Justice of England.

**C**AROLUS Secundus Dei gratia Angl Scot'  
Franc' & Hibern' Rex fidei defen-  
sor', &c. Dilecto & fideli suo Roberto Fo-  
ster Militi Capitali Justiciario nostro ad pla-  
cita coram nobis tenend' assign' salutem. Quia  
de advisamento & assensu Consilij nostri pro-  
quibusdam arduis & urgentibus negotijs  
nos, statum, & defensionem Regni nostri  
Angliæ & Ecclesiæ Anglicanæ concernen'  
quoddam Parliamentum nostrum apud Civi-  
tatem nostram Westm' octavo die Maij prox'  
fatur' teneri ordinavimus, & ibidem vobis-  
cum & cum magnatibus & proceribus dicti  
Regni nostri Colloquium habere & tractatum,  
vobis mandamus firmiter injungend', quod  
omnibus alijs pretermisissis predictis die, &  
loco personaliter interfutis nobiscum, ac cum  
cæteris de Concilio nostro super dictis nego-  
tijs tractatur', vestrum Consilium impensur'.  
Et hoc nullatenus omittatis Teste me ipso  
apud Westm' decimo octavo die Februarij  
Anna regni nostri tertidecima.

The next words in the foremention'd  
Paw are Consimilia Brevia diriguntur per-  
sonis subscriptis.

But

CHAP. But before I speak of those *Consimilars*,  
 XIII. I shall add some few Observations on this  
*Exemplar*.

---

*Observations on the Exemplar and its  
 Consimilars.*

I Did think to have made distinct Observations on this and the following *Consimilars*, but finding how curiously they, in their Jurisdictions, Power, Authorities, and Operations are intermix'd, separated, and yet united, I shall speak of them as they spring up from my Recollections, on which others may graft more, as best suiting to theirs.

I. Neither this chief Assistant, nor any of the following Assistants (which are call'd *Consimilars* in the *Pawns*) are mention'd in the Kings Warrant to the Lord Chancellor for summoning a Parliament, otherwise than in these words:

*Wherefore We Will and Command you forthwith, upon receipt hereof, and by warrant of the same, to cause such and so many Writs to be made and seal'd under our great Seal, for the accomplishment of the same, as in like cases hath been us'd and accusom'd, as may be seen in the first Chapter.*

And

And thereupon the Lord Chancellor CHAP.  
(according to the ancient Custom, and XIII.  
such Precedents as I have and shall set  
down) sends his Warrant to the Clerks  
of the Pettibag (*in hæc verba*) as in the  
first Chapter.

*You are hereby required forthwith to pre-  
pare for the great Seal of England the se-  
veral Writs of Summons for the Lords  
Spiritual and Temporal, as also for the  
Judges and others, to appear at the Parlia-  
ment to be holden, &c. in such method and  
form, and directed to such persons as are  
and have been usual in such cases, &c.*

Now that the Lord Chief Justice (and  
the *Consimilars*, of which I am to speak)  
have been anciently and usually summon'd,  
I have and shall shew in their following  
order.

2. In the Act of Precedency there is no  
mention made of the Places of these As-  
sistants, but there having never been any  
dispute among themselves of their Places  
or Precedencies (for they are perfect in  
their own Regularities and Seniorities,  
&c.) it had been but expense of time and  
Paper to insert them, and therefore ac-  
cording to the constant order by which  
they have sat anciently in the Lords House



CHAP. I shall treat distinctly of them, so soon as I  
 XIII. have ruin through some few mix'd Observations.

3. This great Minister of Justice was anciently made by Letters Patents, with the Clause of *Quam diu nobis placuerit*, and so it continued till about the end of Henry the Third, and then, and ever since, he hath not been constituted by Commission or Patent, (as all the other Judges are) but by Writ only, in this form.

*Rex, &c. R. F. Militi salutem Sciatis quod constituimus vos Justitiarium nostrum Capitem ad placita coram nobis tenend' durante bene placito, &c. Teste, &c.* And this Writ makes him capable of his Parliament-Writ before recited.

4. The Lord Chancellor or Lord Keeper of the Great Seal (as I said) is admitted Chancellor or Keeper by delivery only of the Great Seal to him, and taking his Oath, without Patent or Writ; but this Lord Chief Justice is admitted to his Office by Writ only, and all the other Assistants (of whom I shall speak) do enjoy their Offices in their respective Courts by Patent only, and all of them *durante bene placito* (except the Master of the Rolls, whose Patent is *durante vita*) as will be shewn.

5. But

5. But neither the delivery of the Great Seal to the Lord Chancellor, or Lord Keeper, nor the aforesaid Official Writ to the Lord Chief Justice of the *Kings Bench*, nor the respective Patents by which the other Justices enjoy their respective Offices, do intitle them to sit in the Lords House, without such an especial Parliament Writ of Assistance, as is shewn in the Exemplar before recited, (to which all the other Assisting Writs have a Consimilitude.)

5. This Parliament, or Assisting Exemplar Writ to the Lord Chief Justice of the *Kings Bench*, and all the Consimilars to it (*mutato nomine & titulo Officii*) agrees in all parts with the Writ to the Lord Chancellor, (as I have before shewn) except the alteration of the words, *Prædilecto & perquam Fideli*, into *Dilecto & Fideli*, which are in this and in all the Writs to the following Assistants.

6. The differences between this Writ and that to the Hereditary Lords in Parliament, are partly shewn in the Observations on the Lord Chancellors Writ, the rest will be shewn.

7. This Parliament writ differs but in few words from the form of the writ issued in the 15th. of *Edw. 2d.* (from whence I take my rise (nor from the Successive

CHAP. Successive Writs to this time ) which for  
XIII. the satisfaction of others, ( whereby they  
may see that no new form is obtruded on  
them ) I have set here down *Verbatim*.

*Rex Dilecto & Fideli suo Willielmo de  
Bereford salutem Quia super diversis &  
arduis negotiis nos & statum Regni nostri  
specialiter tangentibus in instante Parlia-  
mento nostro die Domincâ prox' futur' ante  
Festum sancti Laurencii prox' futur' feci-  
mus summoneri, vobiscum & cum cæteris de  
Concilio nostro colloquium habere volumus,  
& tractatum, vobis mandamus firmiter in-  
jungentes quod omnibus aliis pretermiſſis  
dictis die & loco personaliter intersitis no-  
biscum, & cum ceteris de Consilio nostro  
super premissis tractatur' vestrumque Con-  
siliu impensuri Et hoc nullatenus omit-  
tat' Teste, &c.*

In this Writ the words after *Regni no-  
stri*, ( viz. & *Ecclesiæ Anglicanæ* are omit-  
ted ; ) for the Church in those days was  
almost wholly manag'd by Ecclesiastick  
Persons, who were Conversant in the  
Civil, and Canon Laws, &c. but in the  
26th. of *Henry* the Eighth, when the  
power of the Pope was here abridg'd,  
those words, & *Ecclesiæ Anglicanæ* were  
entred and continued to this day.

Also

Also after the word *Vobiscum* these words, *ac cum Prælatiſ Magnatibus & Proceribus* are omitted; but (as near as I can collect) ſome of the moſt eminent of the Profeſſors of the Law, (as the Lord Chief Juſtice, and Lord Chief Baron, &c.) were ſometimes Summon'd by Peeral Writs, that is by ſuch Writs that were ſent to the Nobles, and then the words *ac cum Prælatiſ, &c.* (as in *Richard* the Seconds time to *Jo. Cavendiſh Capital Juſtic*; and in *Henry* the Fifths time, to *William Hanckford* and many more) were inſerted; but when ever they were Summon'd meerly as Aſſiſtants, the words *cum Prælatiſ, &c.* were left out, and ſo have been ever ſince *Edward* the Fourths time.

8. This Parliament Writ is directed, *Capitali Juſtitario noſtro ad placita, &c.* and ſo is his Writ by which he enjoys that great Office, yet his common and general appellation is, *Capitali Juſtitario Angliæ*, which we call Lord Chief Juſtice of *England*, and ſometimes, Lord Chief Juſtice of the *Kings Bench*, and by ſome one of thoſe Titles; he is called ſo in ſeveral Acts of Parliament, and ancient Records; (as I have hinted) and though the word *Lord* be added to his appellation, both in his Aſſiſtancies and Office, (and ſo to ſome other



CHAP. other of the Assistants) yet neither he  
 XIII. nor they are to be counted Lords of Parliament; for his Writ by which he enjoys his Office (which is the Inducement to his Assisting Writ) is but *durante Placito*, (*& honore Officii*) and his Assistance being but *durante Parlamento*, neither of them can fix the Title further than the continuance of his Office or Assistance.

And here it may be observed, that the word *Vos* (a word of great eminency, always signifying a plural, though sometimes apply'd to a single Person) is us'd in this Official Writ (before mentioned) to the this Lord Chief Justice, but is not in his Parliament Writ, nor in any of the Patents or Parliament-Writs to the other Justices, of whom I shall speak in order.

9. The antiquity of this great Minister of Justice, and his Court, is doubtless more ancient (under various Titles) than from *Hen.* the Thirds time; (from whence we vulgarly compute it,) for the Civilians do acknowledge that, *Iustitiiarii sunt umbræ quædam illorum qui olim νομοφύλακες apud Græcos dicebantur, designati ad Custodiam Juris & æquitatis.* However, Sir Edward Coke to prove its antiquity, tells us of an Epitaph in *Ramsy Abby*, engraven on Stone in these words, *Alvinus incliti Regis*

*Regis Edgari Cognatus*, totius Angliæ CHAP.  
*Aldermannus*, (saith, that by *Aldermannus* XIII.  
 is meant, *Capitalis Justitarius Angliæ*, and  
 consequently his Assistance in all Coun-  
 cils before the name of Parliament, (and  
 since that name) hath always been e-  
 steem'd necessary, and (as he saith) all  
 these Courts of *Justice* are so ancient, that  
 they seem to have their Originals from  
 Custom, rather than by Commission.

10. His Jurisdiction is so great, as well  
 out of Parliament as in Parliament, that  
 often times the Lords do wave their own  
 Power and Priviledges of using their  
 own Officers, and do direct the Chief Ju-  
 stice to send out his single Warrant to Seize  
 on Persons in case of Treason, or Suspi-  
 cion of it, or for other high Crimes or  
 Misdemeanors; and the *House of Commons*  
 have likewise sent to him to come to their  
*House* upon the like occasions, as happen-  
 ed when by their directions his Lordship  
 sent out Warrants to Seize the five Lords,  
 of whom I shall speak in the Chapter of  
 Tryals.

11. Other uses are also made of him,  
 and some other of the Assistants in Parlia-  
 ment; for when the *Lords* have any matter  
 of importance to impart to the *House of*  
*Commons*, then the Lord Chief Justice with  
 the other Chief Justice, or Lord Chief  
 Y Baron,

CHAP. Baron, or some other of the Judges (but  
 XIII. always one of them, and no more) is  
 joyn'd with him in delivering the same;  
 but in matters of less importance, two  
 Masters of Chancery are imployed (as  
 will be shewn.)

12. When any Writs of Error, or Writs  
 of *Habeas Corpus*, or Tryals of Peers, or  
 when any Pleas of the Crown, or other  
 cases Criminal, Civil, and sometimes Ec-  
 clelesiastick, or indeed any matters of Law  
 are to be heard and determin'd in Parlia-  
 ment; as also in the penning of new, and  
 altering, explaining or repealing of former  
 Statutes, their assistances are required, and  
 more especially the Chief Justice.

13. The number of Assistants Sum-  
 mon'd by Writ to appear in Parliament,  
 (*Cum cæteris de Consilio*) from the time  
 of Henry the Third, to the 21. of Henry  
 the Eighth, consisted of an uncertain  
 number, sometimes above forty, some-  
 times under; but from the 21. of Henry  
 the Eighth, (from which time the extant  
*Pawns* do give an exact account of them)  
 they never exceeded 27. and sometimes  
 were not above 13. or 14. But in all Par-  
 liaments since Edw. the Firsts time, some  
 of them were Summon'd, and very likely  
 before; For Mr. Prim, (though in his  
*Breviary of Parliament Writs*, pag. 36. he  
 tells

tells us of Twenty four Parliaments, (from CHAP. the 49. of *Hen. the Third*, to the 49. of XIII.

*Edw. the Third*) and many more which he saith he omits; of which Parliaments, he saith, there is no mention of Writs of Summons to any of the Kings Council, Justices, Officers, or others in the Rolls of these Parliaments; yet he kindly ascribes it to the negligence or slothfulness of Clerks, in omitting the entries of their Writs. This he saith, but he had done much better for his own justification and others satisfaction, (being intrusted by his Majesty with the Records of the *Power*) if those Records which he cites, (both in his *Breviary*, and many others mention'd by him in *Sir Robert Cottons Abridgment*) now wanting, might have been restored by him to their ancient Repositories there.

14. As to the Lord Chief Justice, and the Assistants Places in the *Lords House*, none of them, as I have said, have their Places there by the Act of Precedency's, but rather by custom and favour; of which I shall speak more, when I come to the actual Sitting of the Parliament, as also of their Priviledges and Employments there.

15. As to the Officers which are under the Lord Chief Justice his Jurisdiction,



CHAP. none of them are employed about the  
 XIII. Summoning of a Parliament, but many  
 of them are employed in other matters in  
 time of Parliaments, as in cases of Errors,  
 &c. but more chiefly upon Tryals of Peers,  
 (when only the chief Clerk of the Crown  
 in the *Kings Bench* is the principal Mana-  
 ger of them) as will be shewn.

16. Regularly no Officer or Court,  
 either in Parliament or out of Parliament,  
 have greater Power or Jurisdiction, or  
 more publick affairs to manage; (except  
 the Lord Chancellor in Chancery) and  
 yet in some cases above it: For all appeals  
 from the Chancery and other Courts, are  
 determin'd in this Court, and no appeal  
 from this Court, but to the High Court of  
 Parliament, and all Records which are  
 brought from other Courts into this, are  
 never return'd back into those Courts from  
 whence they were brought, and many  
 others which might be instanc'd.

17. To conclude, his Lordship, or the  
 other Lord Chief Justice, or one of them,  
 are constantly appointed to be Speaker of  
 the *House of Lords*, *Pro tempore*, when  
 the Lord Chancellor or Lord Keeper is  
 absent, which is usually done by a par-  
 ticular Writ, which I shall enter amongst  
 emergent Writs, *Chap. 14.*

Thus

Thus having said as much as I think convenient concerning this Exemplar, with some intermixtures of some of the Consimilars, I proceed to give a short touch of each of the Consimilars more distinctly; and first of the Master of the Rolls.

*Of the Consimilar Writ to the Master of the Rolls.*

1. **T**HE Office of Master of the Rolls is granted by Patent under several Titles, viz. *Clericus parvæ Bugæ & Custos Rotulorum & Magister Domus Conversorum*, and he Sits in the Rolls to hear Causes, &c. by vertue of a Commission to that purpose.

2. But his Writ of Summons to a Parliament is directed as in this Pawn, viz. *Harbotello Grimston Baronetto Magistro Rotulorum Cancellariæ suæ*, and then the remaining part of his Consimilar, as also the rest of the following Consimilar Writs, agree in the same words with the Exemplar to the Lord Chief Justice, as in Sect. the Eleventh.

3. This *Magister Rotulorum*, or *Custos Rotulorum*, or *Clericus parvæ bugæ*, is the same which we call in *English* Master of the Rolls, anciently call'd Clerk of the

CHAP.  
XIII.

Rolls ; but from *Henry the Seventh's* time, when the Clergy did decline in their Temporal Employments, he was and is still call'd Master of the Rolls.

4. In the absence of the Lord Chancellor or Lord Keeper, he Sits as Judge in the *Chancery*, and therefore by Sir *Edward Coke* is call'd his Assistant, and at other times he Sits as Judge of Causes in the Chappel of that House, which in *Henry the Third's* time, was imployed as a place of Charity to such *Jews* as should turn to the *Christian Religion* ; but those *Jews* being Banish'd, *Edward the Third* did dispose of it for the keeping of Records, and joined it to the Office of *Custos Rotulorum*, and of the *Pettibag*, (which Office of *Pettibag* seems to be a lesser Bag or place of Records.)

5. So that he hath three Titles, viz. *Clericus Pettibagæ*, or Clerk of the *Pettibag* ; (he being the chief of three Clerks more of that Office) Secondly, *Magister Rotulorum*, or Master of the *Rolls*, (or Clerk or Preserver of such Records as do at any time pass the Great Seal, and are sent to his Custody, either in the Office of the *Rolls*, called the *Rolls Office*, or to the *Pettibag Office*) where his under Clerks do attend on purpose to produce them as occasions require.

Thirdly

Thirdly, His third Title is Master of CHAP.  
the *Chancery*, which Title is given to XIII.  
twelve Persons, of which twelve he is  
te chief.

5. Formerly, and even to this day, the  
greatest part of these Twelve were Con-  
stituted of Doctors of the Civil Law;  
however Eleven of those are so constantly  
dispos'd of, as that some of them do Sit  
in the *Lords House* in time of Parlia-  
ment, and at other times with the Lord  
Chancellor in the Court of *Chancery* up-  
on hearing of Cases, others with the  
Master of the Rolls, when he Sits in the  
*Chancery*, or at the *Rolls*, where he hath  
a Jurisdiction to hear or determin Causes,  
yet appealable to the Lord Chancellor.

5. There are other Masters of *Chan-  
cery*, call'd Extraordinary, and six Clerks  
of eminent Quality, and other Clerks im-  
ployed both in the *Chancery* and *Rolls*; but  
these are not Summon'd to Parliaments;  
(of whom I shall speak more) but in  
in those capacities which I have mention'd,  
the Master of the *Rolls*, as Master of the  
*Rolls*, or chief Clerk of the *Pettibag*, or  
both, or chief Master of *Chancery*, or  
in all three Capacities, he is very Assis-  
ting to a Parliament, especially in the bu-  
siness of Summons, &c.



CHAP.

XIII.

For as I have shewn in *Cap. 2.* whenever the Kings Warrant is sent to the Lord Chancellor to issue out Writs for a Parliament, his Lordship either sends it, or a like Warrant, to the Master of the *Rolls*, who as chief Clerk of the *Pettibag* causeth the other Clerks of the Office to ingross all the Writs, (both for the *House of Lords* and *House of Commons*) so as they may be fit for the Great Seal; and these being thus done, and fairly abstracted and ingross't into a Roll, (which is call'd the Parliament *Pawn*, and lies there as a Memorial and Record of what they have done, and as a President for the future) all the particular Writs mention'd or intimated in that *Pawn* (being fitted) are carried to the Lord Chancellor; and being in his presence Seal'd, they are immediately delivered to Messengers belonging to the Chancellor, who do take care to dispose some to the Persons to be Summon'd for the *Lords House*, and others to the respective Sheriffs of all Counties, and Comitated Cities, for Elections of such as are to sit in the *House of Commons*, and so the Master of the *Rolls* and the Clerks of the *Pettibag* having done all their parts, and the Messengers and Sheriffs theirs, the same Writs which concern the *Lords House* are or ought to be return'd to the Clerk

Clerk of the *Lords House* at the first Sitting, and the Writs for Elections are to be return'd by the respective Sheriffs to the Clerk of the *Chancery Crown Office*, and not to the *Pettibag*, (as hath and will be shewn) for they come no more there till some time after Dissolution of a Parliament; and then for ease of that Office, and more safely preserving them, they are order'd to be carried to the Rolls, and from thence to the *Tower*, all which will be more fully shewn; which method I often repeat in this Treatise, because I find it so much neglected.

As to the Imployment of the other Eleven Masters of the *Chancery* in time of Parliament, I shall shew it in a distinct Chapter.

This Master of the *Rolls* doubtless hath been anciently Summon'd to Sit in the *Lords House*; yet I find no Writs issued to him till the 36th. of *Henry the Eighth*, and then as Master of the *Rolls*, not as chief Master of *Chancery*; and after that he was Summon'd to all Parliaments except the 39th. of *Eliz.* and first of *King James*; and in this very Parliament a Writ was prepared for him, but being Elected a Member of the *House of Commons*, his attendance was not requir'd in the *House of Lords*, for what reason I know not; but

CHAP. but he hath his place whenever he Sits  
XIII. there, next to the Lord Chief Justice of  
*England*, upon the second Woolfack, as  
will be shewn in the Chapter of Places.

---

*The Consimular Writ to the Chief Justice  
of the Common-Pleas.*

THE Patent which invests this  
Chief Justice to his Imployment  
in this Office, is *in hæc verba*.——  
*Carolus, &c. Omnibus ad quos Patentes  
Litteræ nostræ pervenerint salutem Sciatis  
quod Constituimus dilectum & fidelem Or-  
landum Bridgman Militem Capital' Justi-  
tiarium nostrum de Banco suo, Durauit  
bene placito Teste, &c.*

---

*Observations.*

HIS Writ of Summons to Sit in Par-  
liament, is also *Capitali Justitiario  
nostro de Banco*, (*mutata nomine*, in all o-  
ther words agreeing with the Exemplar)  
and here it may be again observed, to pre-  
vent vulgar misunderstandings, That the  
Lord Chief Justice of *England* is Chief  
Justice of the *Kings Bench* or upper Bench;  
and this is Chief Justice of the *Common  
Bench*;

*Bench*; and sometimes one is call'd Chief Justice of the *Pleas* of the *Crown*, as in the *Latin* words, *De placitis Coronæ*, and this Chief Justice of the *Common-Pleas*, or *Communia Placita*, yet in the *Latin* Writ it is *de Banco*; so as both Courts are call'd Bancks or Benches, and both call'd also Courts of *Pleas*, in respect of *Pleas* or *Pleadings*; one properly concerns the King in matters Criminal; the other concerns the *Pleas* or *Pleadings* of the Commonalty or Common People among themselves in matters Civil, and one also is call'd the Upper Bench, the other the Common Bench, and therefore (what ever the Patent or Writs are, yet for an easier distinction) I here intitle one, the Chief Justice of the *Kings Bench*, the other Chief Justice of the *Common-Pleas*.

2. As for the names *Bench* or *Banc*, *Pleas* or *Placita*, I refer them to my *Annotations*.

3. The Chief Justice hath three more Justices to assist him in this Court.

4. That which makes the eminency of this Court is, That only the learned Serjeants of the *Cause* (of whom I shall speak in order, being the next Degree to Judges) do Plead in this Court, (yet not prohibited from Pleading in all other Courts) but all other Graduates of Law have



CHAP. have the liberty to Plead in all other  
XIII. Courts, but not in this.

5. The Pleas of this Court cannot be so well ascertain'd, as that of the *Kings Bench*, because the Pleas held by Common Persons, or between Subject and Subject, are divided into as many Branches as Actions, and the Actions into as many Causes as there are variety of Contests in the Kingdom; yet all these Actions, Causes and Contests, are included under three notions, Real, Personal, and Mixt, which are here tried as they happen according to the strict Rules of Law. As for Personal and Mixt Actions they are tried in other Courts, but Real Actions are only Pleadable here, nor are any Fines of Concord (which is observable) levied in any Court but this, so that (as Sir *Edward Coke* saith) the Motto of this Court may be, *Hæc est finalis Concordia*.

6. Upon these and other considerations, the necessity of requiring Assistances from the Justices of this Court may appear: For as the Justices of the *Kings Bench* may acquaint the Lords with what concerns the King; so the Justices of the *Common Pleas* may most properly acquaint them with what concerns the People, whereby Laws for either may be corrected, repeal'd, or made *de novo*, as shall be thought most expedient. The

7. The Justices of this Court are not concern'd in the managing of any Summons to a Parliament, as the Lord Chancellor and Master of the *Rolls* are.

CHAP.  
XIII.

*Of the Consimilar Writ to the Chief Baron of the Exchequer.*

THE Title of this is different from the two Chief Justices, for his Patent is thus.

*Carolus, &c. Omnibus ad quos Patentes Litteræ nostræ pervenerint Sciatis quod constituimus Matthæum Hale Militem Capitalem Baronem Scaccarij nostræi duran' bene placito Teste, &c. (Scaccarius being that which we call Exchequer.)*

But his Writ of Summons to a Parliament is (with this addition, *Dilecto & Fideli Matthæo Hale*, (then as in the Exemplar Writ omitting *Durante bene placito*) and so in all the Assisting Writs, because the continuance of a Parliament (as I said) is but *Durante Placito Regis*, therefore needless to insert it.

*Obfer-*

**T**HIS Chief Baron hath four more Barons to assist him in his proper Court of the *Exchequer*, whereof the eldest, or youngest made Baron of the four, is not an *Itinerant Justice*, nor accounted in the number of the Twelve Judges.

These Barons are not such as are before mention'd of the next Degree to Viscounts in the *Lords House*, nor such as are merely Barons by Courtesy, or Barons of Court Barons, or Barons of the *Cinque ports*, (of whom I shall speak more, when I treat of them in the *House of Commons*) but are great Officers of Justice; and so his Writ calls him *Baro Scaccarij*, or Baron of an Officiate Place; but the Writ to the noble Baron before mention'd, is to an Hereditary Place, viz. *John Nevil, Baro de Abergheny*, and so to others of that Degree.

Some think they were call'd Barons, because the Court of *Exchequer* was anciently manag'd by noble Barons; but as *Okham* saith, that these Barons were to be *Majores & Discretiores*, &c. being either cull'd out of the Clergy or Laity, or the Kings Court; and for many ages, the chief



chief of these five Barons was call'd as CHAP. XIII.  
now, (both in his Patent and Writ) *Capitalis Baro*, and generally is Intituled the  
Lord Chief Baron: the other four Barons  
do assist him in all matters between the  
King and his Subjects, in cases properly  
appertaining to Assize, Exchequer, or the  
Kings Revenue.

4. He is the chief Judge of that Court  
in matters of Law, as also of Informati-  
ons of any abuses therein, and of Pleas  
upon them, and solely gives order for  
Judgment, (wherein the Lord Treasurer  
thinks not fit to concern himself.)

5. He alone without other Barons in  
Term time, Sits in Afternoons at *Guild-  
hall*, upon *Nisi prius*, (upon cases which  
arise in *London*, and cannot be dispatch'd  
in the Mornings) he takes Recognizances  
of Debt, Appearance, and Observances  
of Orders, he takes the Presentations of  
all Offices unto himself, and causeth an  
Oath to be given to the Lord Mayor of  
*London*. He takes Audits, Accounts, &c.  
in his absence, and sometimes to ease him,  
the second and third Baron hath the like  
power, and the fourth takes the Oath of  
Sheriffs; and as I said, the three first of  
the five have constantly their Writs of  
Summons to a Parliament, yet the fifth  
is also of good use in that Office, but  
hath



CHAP hath no Writ of Summons as the other.  
XIII.

6. That which is most observable of this Court is, that all Cases of great difficulty in the *Kings Bench* or *Common-Pleas*, are still Adjourn'd to the *Exchequer Chamber*, and there with the Barons Debated, Argued, and Resolved by all the Twelve Judges, (whereof the four first Barons make four of the Twelve.)

7. This Court consists of two parts, the upper *Exchequer* and the lower; the upper is that wherein these Barons do execute their Justice: but herein the Lord Treasurer, as Supervisor, may Sit as oft as he pleaseth, however once in every Term he seldom fails to Sit, and hear Matters; but the lower *Exchequer* is chiefly under the care of the Lord Treasurer, (the Offices of upper and lower being distinct) yet both of them (considered jointly under the Title of the *Exchequer*) do include eight Courts or Offices, viz. A *Court of Pleas*; (in some manner like the *Kings Bench* and *Common-Pleas*) Secondly, The *Court of Accounts*; Thirdly, The *Court of Receipts*; Fourthly, The *Court of the Exchequer Chamber*; (being for the Assembly of all the Judges of *England* (as I said) for Matters in Law for special Verdict; Fifthly, The *Court of Exchequer Chamber*, for Errors in the Court

Court of *Exchequer*; Sixthly, The Court CHAP.  
of *Exchequer Chamber*, for Errors in the XIII.  
Court of *Kings Bench*; Seventhly, The  
Court of *Equity*, in the *Exchequer Cham-*  
*ber*; Eighthly, That which was, but is  
not now call'd a Court, yet is an Office  
much of the same nature, (and of as  
great concern as some of the other) Inti-  
tuled the *Remembrancers Office of the first*  
*Fruits and Tenths*, who takes all Compo-  
sitions, and makes out all process for such  
as do not pay the same; so that the busi-  
ness of this Court and inclusive Courts  
and Offices doth imploy above 200. Offi-  
cers and Clerks.

8. From which may be computed what  
variety of business this Court doth afford  
to a Parliament, though not in the troubles  
of Summoning it, yet by bringing in and  
issuing out of Money, (which are the  
Nerves of a Kingdom, and Arteries of a  
Parliament) so as the Progresses of this  
(and the inclusive Courts) do occasion  
more Debates in Parliament, than what  
ever do arise from the *Chancery*, *Rolls*,  
*Kings Bench*, or *Common-Pleas*.

Having done with the first Orb or Rank  
of Degrees of such Professors of the Law  
as are Summoud to Parliaments, consist-  
ing of five, viz. Lord Chancellor, Lord  
Chief Justice of the *Kings Bench*, Master

CHAP. of the *Rolls*, Lord Chief Justice of the  
 XIII. *Common Pleas*, and Lord Chief Baron ;  
 I shall proceed to the second Orb or Rank  
 of Degrees usually Summon'd ; and these  
 are three Justices of the *Kings Bench*,  
 three Justices of the *Common Pleas*, and  
 three Barons of the *Exchequer*, whose  
 Writs are also Consimilary to that of the  
 Lord Chief Justice of the *Kings Bench*.

---

*The Consimilar Writ to the three Justices  
 of the Kings Bench.*

EACH of these Justices have their  
 distinct Patents in these words.

1. *Carolus, &c. Omnibus, &c. Sciatis  
 quod constituimus, &c. Tho. Mallet Militem  
 unum Justitiariorum suorum ad placita co-  
 ram, &c. Teste, &c.*

2. His Parliament Writ hath also the  
 same words in the Dative Case, *Uni Justi-  
 tiariorum suorum.*

3. *Tho. Twisden Miles*, had his Patent  
 and Parliament Writ in the same words,  
*Unum & Uni.*

4. *Wodham Windham*, had also his  
 Pattent and Writ in the same words,  
*Unum & Uni.*

*Of the Consimilar Writs to the three  
Justices of the Common Pleas.*

1. **R**O B. Hide Mil. had his Patent of Constituting him, *Unum Justiciarium suorum*, and his Parliament Writ, *Uni Justitiariorum*.

2. Tho. Tyrrill Mil. had the like Patent of Constituting him, *Unum*, and his Parliament Writ, *Uni*.

3. Samuel Brown Mil. had the like Patent of Constituting him, *Unum*, and his Parliament Writ, *Uni*.

*Of the Consimilar Writs to the three  
Barons of the Exchequer.*

1. **E**Dward Atkins Mil. had his Patent of Constituting him, *Unum Baronum de Scaccario*, and in his Parliament Writ, *Uni Baronum de Scaccario*.

2. Christopher Turner Mil. had the like Patent of Constituting him, *Unum*, and his Parliament Writ, *Uni*.

3. This place was vacant, so but eight of the nine Judges were Summon'd to this Parliament at the time of Summoning.



1. **A**LL their Patents and Writs (except the mutation of their Names and Titles) are *verbatim* the same, especially in the words, *Unum & Uni*, viz. one of the Justices, signifying that they were all so equally presum'd to be just, that they are rendered to us rather by an Unity than a Priority, viz. by one and one, and not by 1<sup>st</sup>. 2<sup>d</sup>. 3<sup>d</sup>. and 4<sup>th</sup>. yet in the 30<sup>th</sup>. and 39<sup>th</sup>. of *Eliz.* and 1. *Jacob.* I find the word *alter*, next to *Capitalis*, & *Unus*, in the *Kings Bench* and *Common Pleas* only, but in the *Exchequer*, in the 43. *Eliz.* next *Capitalis Baro*, is *Secundus & tertius Baro*.

2. Of these fourteen which are of the first and second Rank of the Professors of the Law, two of them are properly Judges of matters of Equity, viz. the Lord Chancellor, and Master of the *Rolls*, the other Twelve are call'd the Twelve Judges of the Common-Law; the two Judges of Equity have been constantly Summon'd to Parliaments; (except as I have shewn) but as to the Twelve, sometimes all, and sometimes but some of them are Summon'd, according to the Kings Pleasure, or the vacancy of their Places

Places, or imployed in their *Itinerances*. I CHAP.  
need not begin higher than *Henry the 8.* and XIII.

then there were nine Summon'd, and the  
30th. of *Henry the Eighth*, twelve; the  
36th. of *Henry the Eighth*, but six; the  
first of *Edward 6th.* nine; the 6th. of  
*Edward the Sixth*, nine; the 7th. of  
*Edw. 6th.* but seven; the first of *Mary*, but  
eight; the first of *Mary*, but five; the  
first and second of *Phil. and Mary*, but 6.  
the second and third of *Phil. and Mary*, 8.  
the 4th. and 5th. of *Phil. and Mary*, but  
eight; the 28th. of *Eliz.* eleven; the  
30th. *Eliz.* eleven; the 35th. *Eliz.* twelve;  
the 39. *Eliz.* eleven; the 43. *Eliz.* ten;  
the first of *James*, the full number of 12.  
(but in respect of the changing of them  
before the Parliament sate, there were two  
Writs made for the several Judges before  
the Parliament sate;) the 21. *Jac.* eleven;  
the first *Car. primi*, twelve; the 15th.  
*Caroli primi*, eleven; and the 13th. *Caroli*  
*Secundi*, also eleven; as I said, accounting  
the two Chief Justices and chief Barons  
in all these years.

3. In all these Writs, I do not so much  
trust to the several *Pawns*, as to the Writs  
themselves, where I doubt of any mistakes  
in the Clerks.

Z 3

4. To

CHAP. 4. To conclude this Section; as in all  
 XIII. the Judicial and Equitable Courts, (before  
 mention'd) there are distinct Jurisdictions  
 and methods of managing the concerns of  
 their respective Courts; so in many things,  
 there are also excellent intermixtures  
 and concurring Authorities of their Courts  
 and Powers, whereby they make up the  
 Harmony of Justice, (as in cases of Con-  
 sult in the *Chequer Chamber*, Writs of Er-  
 ror, and other matters which I have hint-  
 ed) and whoever will take a full survey,  
 not only of their Jurisdictions, but of the  
 number of their Clerks, Attorneys, or  
 other Officers of various Appellations,  
 belonging to their respective Courts; may  
 think that they are so many Principalities  
 within our Kingdom, and thereby see  
 how necessary it is for these Assistants  
 (who have so great influence over the  
 whole Kingdom) to be Summon'd to this  
*Supream Judicatory*, to Advise either the  
 Corroborating the old Laws, or altering  
 them, or making new, where there is just  
 occasion (as I have shewn) of Reviv-  
 ing, Correcting, or enlarging them, accord-  
 ing to the fluctuations of Affairs, which  
 not only happens in this Kingdom, but in  
 all other Kingdoms and States, so as Laws  
 are still suited to the tempers and disposi-  
 tions of those who are to be govern'd; for  
*Tempora*

*Tempora mutantur, & nos mutamur in illis,* CHAP.  
there being a secret confederacy between XIII.  
time and human affairs, which can scarce  
be discovered; the time was, is, and to  
come, being so nice, that the future reverts  
into a Præ-existence, that to an existence,  
and so into a circular perpetuity of notio-  
nal gradations.

And thus having, as briefly as I could,  
dispatch't the first and second Orb of Pro-  
fessors of Law; I proceed to the third,  
which consists of the Kings Serjeants at  
Law, the Kings Attorney General, his  
Solicitor General, and his Secretaries.

---

*Of the Consimilar Writs to the Kings  
Serjeants, &c.*

I Am now to treat of the third Orb or  
Degrees of the Professors of the Law,  
*viz.* the Kings Serjeants at Law, the Kings  
Attorney General, the Kings Solicitor  
General, and the Kings Secretaries, (and  
some others of the Kings Council upon  
emergent occasions.)

These Serjeants at Law in the *Latin* ap-  
pelation are call'd, *Servientes ad Legem*,  
for Serjeant and Servant are the same,



CHAP. only differing by a vulgar Pronunciation,  
 XIII. or the Idiom of our Language, which often renders an A. for an E; for properly Servant ought to be writ Servient, from *Servio* to Serve, or from *Servare* to Keep, so as they may be said to be as well Keepers of the Laws, as Servients to the Law.

As these are *Servientes ad Legem*, so there are another sort, ( of which I shall speak ) who are Attendants in the *Lords House*, call'd *Servientes ad Arma*, but *Cedant Arma togæ*; therefore I proceed to Serjeants at Law.

The Gradations to this Title are thus attain'd, *viz.* After the young Students of the Law have continued Seven Years in the Inns of Courts, and have done their Moots, or *Motus ad Literarum*, and other exercises, they are called or admitted to plead at the Bar of any Court, ( except the *Common-Pleas* ) and are thereupon called Barresters, and thereby also gain the Title of Esquire. And after that, they are promoted to be Readers of Law in the Inns of Chancery, whereof there are eight, *viz.* *Cliffords-Inn*, *Lions*, *Clements*, *Bar-nards*, *Staple*, *Furnivals*, *Davis*, and *New-Inn*, which are dependent on the four Inns of Court, *viz.* the *Inner Temple*, *Gray's-Inn*, *Lincolns-Inn*, and the *Middle-Temple*, in some one of which they are to be

be Benchers and Readers also; and thus CHAP. XIII.  
they are to pass seventeen Years in their  
Studies, before they can arrive to the dig-  
nity of a Serjeant, or *Serviens ad Le-*  
*gem*; but after they have perform'd their  
Readings, the King taking notice of their  
Proficiencies, doth by his Writ call a cer-  
tain number of them to take upon them  
that Dignity; and the reason of making a  
number of ten or more (at one time) is  
because the charge to each may be the  
less, because almost no Dignity in any  
Profession (especially of Law) is usher'd  
in with greater State, Ceremony, and  
Charge than this Degree, as may be read  
in *Fortiscue de legibus Angliæ*, *Crooks Re-*  
*ports*, &c. The Form of which Writ for  
Electing of a Serjeant is *in hæc verba*.

**C***arolus Secundus Dei gratia* (as in  
other Writs) *Fideli nostro I. M.*  
*Mil. Salutem, Quia de advisamento concilij*  
*nostri ordinavimus vos ad statum & gradum*  
*Servient' ad Legem immediate post recep-*  
*tionem hujus Brevis nostri Suscipiend' Vobis*  
*Mandamus firmiter injungend' quod vos ad*  
*statum & gradum predict in forma predict*  
*Suscipiend' Ordinatis preparatis & hoc sub*  
*pæna mille Librarum nullatenus omittatis,*  
*Teste, &c.*

Barker.

These

CHAP.  
XIII.

These Serjeants at Law are of two sorts, viz. Serjeants at Law considered in their General Appellation, and the Kings Serjeants at Law; that is, when the King selects some out of the rest, and appropriates their Service to his occasions; (which he constantly doth at every Call) thereupon they have two Writs, one at the general Call of Serjeants, (which I have shewed) the other as a particular Serjeant (or Servant) to the King, the Form of which Writ also is as follows.

**C**arolus Secundus, &c. (as in other Writs) *omnibus ad quos, &c. Sciatis quod nos de gratia nostra speciali, ex certa scientia & mero motu nostro constituimus dilectum & fidelem nostrum, J. M. servientem ad legem, unum Servientem nostrorum ad legem, nec non concessimus eidem, J. M. Officium unius Servient' nostror, ad legem habendum occupandum & exercend' dict' officium nec non ad essendum unum' Servient' nostrorum ad legem quamdiu nobis placuerit, capiendum & percipiend' anuatim in & pro officio illo exercend' eidem J. M. vad' fead' vestur' & regard' dict' officio debito sive pertinent' pro ut aliquis Servient' nostrorum ad legem pro hujus modi officio exercend' percepit, sive habere, & precipere debeat eo quod express a mentio non*

non fit, &c. In cujus rei testimonium, &c. CHAP. XIII.  
Teste, &c.

Per ipsum Regem.

Barker.

And being thus made the Kings Serjeants by a distinct Writ, they are capacitated to have a Writ of Summons to sit in the Lords House in Parliament, and though none sit this Parliament, yet Writs were provided for two of them, in this Form following, viz.

Carolus, &c. dilecto & fidei suo Johanni Glin Militi Servienti domino Regi ad legem Quia, &c. and so verbatim according to the Exemplar before recited to the Lord Chief Justice.

The other was Johanni Maynard militi, who had the like Writ prepared for him.

Observations.

THESE Professors of Law are call'd *Servientes ad Legem* in all Writs, (which are generally Writ in Latin) but in English (as I said) they are called



CHAP. XIII. called Serjeants or Servants at Law, also Serjeant of the Coif, (from the white Coif which they wear uppermost at the Solemnization of their Order) but at other times under a black Cap, like the Twelve Judges, because having past this Order, they are then capable of being made one of the Twelve Judges, and to exercise the imployment of a Judge upon emergent occasions.

2. None of all the three Orbs of Professors have a Writ for their Office and Imployment, but the Lord Chief Justice of the *Kings Bench*, (as I have shewn) and these Serjeants at Law. The difference in the Writs are, that in the Writ to the Lord Chief Justice of the *Kings Bench*, (as to his Office) and so in the Patents to the other Justices, (as to their Offices) there is nothing but a *Constituimus*, without any adjunct of Compliment, but in this Writ to the Serjeants at Law, it is *Fideli nostro*; yet in both of their Writs of Summons to a Parliament, they have equal words, viz. *Dilecto & Fideli*.

3. In the Writ of the Lord Chief Justice of the *Kings Bench*, there is no Advice of Council mention'd; but in the Writ to every Serjeant at Law, the words are as in Parliament Writs, *Quia de advisamento concilij nostri*, and so in the Manda-

Mandatory part of it, *Vobis Mandamus firmiter injungend*, and then under the penalty of a 1000 l. to take upon them that Degree; and in their second Writ to be the Kings Serjeant at Law, they have *Vadage, Feodage, Vesturage, & Regardage*, of which I shall speak in my *Annotations*; yet I shall give this hint here, That the word *Investitura* is us'd only in the Patents of Creation of the Lords Temporal, and *Vestura* only us'd in the Patents to the Serjeants at Law, and to no other Degree that sit in the *Lords House* as Peers, or Assistants.

4. That which makes this Degree more eminent is, that by virtue of the first Writ, (to be a Serjeant at Law in general) they continue their Title of Serjeant at Law, *Durante vita*; (though not exprest in the Writ) the other to be the Kings Serjeant at Law is equal with that Writ to the Lord Chief Justice of the *Kings Bench*, and to the other Eleven Justices, *viz. Durante beneplacito*; the 3d. Writ gives him an interest in Parliament.

5. It is to be noted, That all the twelve Judges before they can take upon them those Offices of Judges, are made Serjeants at Law; so that though they quit those Offices of Judges, and thereby lose the dignity of their Office, yet the dignity

CHAP.  
XIII.

dignity of their Serjeantship still remains during life.

6. It may be here pertinently observed, That though Writs were prepar'd and in-roll'd in the *Pettibag* for these two Serjeants, yet whether the Writs were delivered to them, I cannot inform my self, or whether the delivery was declined in respect both of them were chosen *Bargesses* of the *House of Commons*, (where *Sir John Glyn* did sit during his life, and *Sir John Maynard* during the continuance of this Parliament) or whether they were conniv'd at, as being more uelul in the *House of Commons*, (or to themselves) for being once admitted to sit in the *Lords House*, they might not Plead in other inferior Courts, which had been much to their prejudice.

7. The Kings Attorney is placed in this *Pawn* before the two Serjeants, which was some mistake in the Clerks; and so I find the like misplacings of others in many other *Pawns*; and therefore in this my method, I pursue the order of all such other Solemnities as they usually attend, and of their precedent sitting in the *House of Lords*, (as will be shewn) and so place them here, as they are placed there.

8. As to the Antiquity and number of Serjeants which were formerly Summon-

ed

ed to Parliaments, it is manifest that more or less of them were Summon'd in most Parliaments of former Kings, viz. in the Reign of *Edw. 3d. Rich. 2d. Hen. 5th. and Hen. 6th.* (as appears in the Clause Rolls of those Parliaments) and more easily seen in Mr. *Primms Breviary*, or in the Rolls Chappel; (for it were too great a diversion to recite them here) but those of latter days do appear thus in the *Pettibag*, viz. in the 21. *Hen. 8th.* there were three Summon'd; but in the 30th. none; in the 36th. of *Hen. 8th.* four; in the first of *Edw.* the 6th. three; in the 6. of *Edw. 6th.* four; in the 7th. of *Edw. 6th.* four; in the first of *Mary*, two; and also in the first of *Mary*, two; and in the first and second of *Phil. and Mary*, one; in the second and third of *Philip and Mary*, one; and in the 4th. and 5th. of *Philip and Mary*, two; in the 28th. of *Eliz.* two; in the 30th. of *Eliz.* one; in the 35th. of *Eliz.* three; in the 39th. of *Eliz.* one; in the first of *Jacob.* three; in the 21. of *Jac.* five; in the first *Car. prim.* four; in the 15. *Car. 1.* three; in the 13th. *Car. 2d.* the two before mentioned; for whom Writs were order'd, but not actually Summon'd, (as I have shewn.)

9. In the 39th. *Eliz.* the Writs to the three Serjeants are directed distinctly,

*Uni,*



CHAP *Uni, Uni, & Uni*, but in all the rest, *Servienti ad Legem*, without the addition of *Uni*, nor do I find *Uni* added in any former Writs, before *Henry* the Eighth, but only this, *viz. 4 Hen. 5th. Johanni Stranguayes, Uno Servienti Regis ad Legem.*

10. And as a peculiar distinction, the Kings eldest Serjeants have the Priviledge to Plead in all Courts of *Westminster* within the Bar, but only in the *Common Pleas*, (where no other Graduats of Law but themselves can Plead, as I have shewn) and there all the Serjeants stand without the Bar.

11. They are also sometimes Assistants to the Judges, and to the Lord Chancellor and Master of the Rolls, and many times in case of age or infirmness of the Judges, they do supply their places, both in the Courts of *Westminster*, and in their Itinerances and Circuits, *Pro hac vice*, and upon death of any of them, if the King think fitting, they are Constituted Judges in their Vacancies, and this by Commission.

12. As to their places in Parliament, they are next the Judges, as shall be shewn in the local part of this Treatise, as also of their Employments, *sedente Parlamento*. Thus having brought the *Servientes ad Legem*, to be *Judices & Magistros legum*,

I pass

I pass to the second Degree of the third CHAP.  
 Orb or Rank, viz. the Kings Attorney XIII.  
 General.

*The Consimilar Writ to the Kings At-  
 torney General.*

THIS appellation of Attorney is de- S E C T.  
 riv'd from *Tourne* so call'd in *Mag-* 17.  
*na Charta*, which anciently was call'd the  
*Sheriffs Moot*, or view of *Frankpledge*,  
 and to this day is call'd the *Sheriffs Tourne*  
 from *Turris*, signifying a Tower or Castle  
 where these Courts were kept, and where  
 inquiry is made upon Oath of all things  
 done contrary to the peace of the Coun-  
 trey, &c. as will be shewn when I come  
 to the *House of Commons*, and then those  
 who did practise to those ends in those  
 and other Courts, were call'd *Ad Tourny's*  
 or *Attourny's*; generally the word doth  
 signifie a Person intrusted to manage other  
 mens Concerns. And this being the most  
 Eminent Trust in managing the Kings  
 Concerns, his Duty, Care and Pains  
 is the greater and more Eminent; he hath  
 also his Patent, *In hæc verba*.

CHAP.  
XIII.

**C**arolus Secundus, &c. Omnibus ad quos, &c. Salutem. Sciatis quod nos de fidelitate & Circumspectione dilecti & fidelis nostri, G. P. Mil. plurimum confidentes ipsum G. F. Constituimus Ordinavimus deputavimus & assignavimus nostrum Generalem Attornatum in omnibus turijs nostris de Record' in Regno nostro Angliæ Habendum & occupand' officium hujusmodi Generalis Attornat' nostri prefat' G. F. quamdiu nobis placuerit percipiend' in & pro officio illo exercend' Vad' Feod' Profic' & Regard' eidem officio pretinend' sive consuet' Dedimus etiam ac tenore presentium damus prefat' G. F. plenam potestatem & auctoritatem faciend' ordinand' & deputand' tales clericos & officiar' sub seipso in quolibet Cur' nostra quales aliquis alius officium illud proantea habens nomine occupans habuit fecit ordinavit seu deputavit aut facere ordinare seu deputare consuevit eo quod expressa mentio, &c. In cujus rei, &c, Teste, &c.

And he hath his Writ of Summons to a Parliament also, *In hæc verba, Carolus, &c. Dilecto & fideli Galfrido* (which we in *English* call *Jeffery*) *Palmer Militi, Attornato suo generali salutem, and so verbatim according to the Exemplar.*

Obfer-

## Observations.

1. **T**Hat which makes this Assistant the more eminent and remarkable is, That as there is but one Lord Chancellor or Keeper, one Lord Chief Justice of the *Kings Bench*, one Master of the Rolls, one Chief Justice of the *Common Pleas*, and one chief Baron of the *Exchequer*; so there is but one Attorney General: and though those five have Judges and Masters of *Chancery* to assist them; this hath no proper Officer under him, yet hath power to depute Clerks and other Officers to assist him, and is *Singulus in omnibus & omnis in singulis*.

2. Neither these nor any of the Assistants to the *Lords House* before named, have the priviledge of making Proxies either before or in time of Parliament; yet I remember something Equivalent in in the case of *Valentine Elliot*, &c. when upon a Writ of Error brought into the *Lords House*, for reversing of a Judgment given in the *Kings Bench* against the said *Elliot*, Sir *Jeffrey Palmer* being then Attorney General, and indispos'd in his health, and thereby finding himself unfit to manage that Case, Mr. *North*, then a young Professor of the Law, was permit-



CHAP. XIII. ted to appear for the Attorney General, and Plead the Case: only here was the difference, had Mr. *Attorney* been there in Person, he had stood within the Bar and Pleaded; but Mr *North* Pleaded without the Bar, which he manag'd with so much Law, Eloquence, and Dexterity, that his Abilities being known, (by usual Degrees in few years) he was advanc't to his present Station of Chief Justice of the *Common-Pleas*.

3. This Title of Attorney General began in *Eward* the Firsts time, but I cannot be positive when they had their first Writs of Summons; but in the 21. 30. and 39. of *Hen.* 8. he had a Writ, and so the 1.6.7.*Edw.* the 6. also the 1. and 1. of *Mary*, and 2. 3. 4. and 5. *Phil.* and *Mary*, (and in those two last Writs he is term'd, *Attornat' Dominorum Regis & Reginae General'*) and then in the 28. 30. 39. and 43. *Eliz.* *Attornato Generali*; and so also the 1. and 21. of King *James*; also the 1. and 15. *Carol. primi*; and now 13. *Caroli Secundi*, Sir *Geffrey Palmer*, *Attornato*, and after him none did sit in the *House of Lords* during this Parliament, except Sir *William Jones* Knt. the Attorneys intervening those two, being still chosen in the *House of Commons*, as will be shewn.

*Of the Consimilar Writ to the Kings  
Solicitor General.*

**T**He words *Attornatus & Solicitator* S E C T. 18.  
are us'd in the Civil Laws, as here  
at the Common Law, for such as do take  
care to manage or tend other mens Affairs,  
and there is but one of that Profession  
(as is before shewn of the Attorney Ge-  
neral) but because the Title should be di-  
stinguish't from the common sort of such  
Practisers, as the Kings Attorney hath his  
Patent and Writ from the King, so hath  
this, thereupon call'd the Kings Solicitor  
General, his Patent is, *In hæc verba.*

**C***Arolus Secundus, &c. Omnibus ad  
quos, &c. salutem. Sciatis quod nos  
de gratia nostra speciali ac ex certa scientia  
& mero motu nostris ordinavimus fecimus  
& constituimus dilectum & fidelem nostrum,  
H. F. Mil. Solicitatorem nostrum Genera-  
lem ac ipsum, H. F. Solicitatorem Genera-  
lem nostrum per presentes ordinavimus fe-  
cimus & constituimus Habendum gaudend  
occupand & exercend officium illud quamdiu  
nobis placuerit Percipiend annuatim eidem,  
H. F. pro occupatione & exercic' officij pre-  
dicti tal' & tan' Vad. Feod. Profic' & com-*

*A a 3 moditat'*

CHAP. *moditat' qual' & quanta dicto officio debito*  
 XIII. *sive pertinend prout aliquis alius sive aliqui*  
*alij officium predict' proantea habens sive*  
*occupans habuit vel percepit habuerunt sive*  
*preceperunt in & pro exercitio ejusdem*  
*officij eo quod expressa mentio, &c. In Cujus*  
*rei, &c. Teste, &c.*

---

*Observations.*

THOUGH this Imployment was granted by Patent in *Edward* the Fourths time, yet for want of time I shall also begin his Writ of Summons, the 21. of *Henry* the Eight; and then *Edward Griffin* being Attorney General, *Gosnold* was Solicitor, and the Writ was, *Hen. Rex, &c. Dilecto & fideli suo Johanni Gosnold Solicitori suo Salutem Quia*, and so verbatim according, to the Exemplar; in the 36 *Hen. 8. William Whorwood* was Attorney General, and *Henry Bradshaw* Solicitor, and had his Writ the first of *Edw. the Sixth*, *Bradshaw* was made Attorney General, and *Edward Griffin* Solicitor, and had his Writ; and the 6. of *Edw. 6. Griffin* was made Attorney, and *Jo. Gosnold* Solicitor, and had his Writ, and both continued so till the first of *Mary*; and then *William Cordel*, in the room of *Gosnold* was

was made Solicitor, and had his Writ, also in another Parliament of that year both had their Writs ; in the 1. and 2, 3, and 4. of *Phil.* and *Mary*, and in the 4. and 5. *Phil.* and *Mary*, *Griffith* being Attorney General, *Rich. Weston* ( afterwards Lord Treasurer ) was made Solicitor, *Domino- rum Regis & Reginae*, and had his Writ ; in the 38. of *Eliz.* *Jo. Popham*, afterwards Lord Chief Justice, was Attorney, and *Thomas Egerton* ( afterwards Lord Chancellor ) was Solicitor, and had his Writ, and so they continued to the 39. *Eliz.* and then *Edw. Coke* ( after one of the Justices of the *Common-Pleas* ) was made Attorney, and *Tho. Flemings* Solicitor, and had his Writ ; and in the 43. Sir *Edw. Coke* was put back to be Solicitor, and had his Writ ; and *Thomas Egerton* was Attorney ; and in the first of *James*, *Edw. Coke* ( then Knighted ) was again made Attorney General, and *Tho. Flemings* ( then Knighted also ) again made Solicitor, and had his Writ ; and in the 21 *Jacobi*, *Thomas Coventry Miles* ( after Lord-Keeper ) was made Attorney, and *Robert Heath Knt.* Solicitor, ( after Chief Justice ) and had his Writ ; and both had Writs again the first *Car. primi* ; and the 15th. *Jo. Banks Knt.* was made Attorney, and *Edward Harbert* Solicitor, and had his Writ.



CHAP. But at the Summoning of this Parlia-  
 XIII. ment, no Writ was sent to Sir *Heneage Finch* then the Kings Solicitor, being chosen for the *House of Commons*, and being after made Attorney General, still he continued in the *House of Commons*, till he was made Lord Keeper, and then he was remov'd to the *Lords House* by Writ, as Lord Keeper; and so Sir *Francis North* (being the Kings Solicitor) did sit in the *House of Commons* this Parliament, and was not removed thence till he was made Chief Justice of the *Common-Pleas*; so that during this Parliament, none (whilst actually the Kings Solicitors) were Summon'd or did sit in the *Lords House*; yet I thought fit to insert this Degree here, (though he be not mention'd in this *Pawn*) because there are so many Precedents of his Summons, as are before recited in former Kings Reigns.

---

*Of the Consimilar Writ to the Kings  
 Principal Secretaries.*

SECT. 19. **T**HIS Officer of State and Assistant is plac't the last in most of the *Pawns*, and brings up the Rear of all the forementioned Assistants; which posture is a place of great Honour, both in Civil Solemnities

ties and Martial Employments; and that CHAP. it may so appear, in the aforesaid Act of XIII. the 31. of *Hen.* the Eighth, none of the other Assistants before recited (except the Lord Chancellor) are so much as mention'd therein, (their precedencies being known in their own Courts from a greater antiquity) but the Secretaries Place is fix't by that Act, *viz.* if he be under the Degree of a Noble Baron, yet it is above all the Assistants and next the Lord Chancellor; if he be of the Degree of a Baron, then above all Barons, or if an Earl, (as in the case of the Lord *Arlington*) then above all of that Degree, unless any of the Superior Officers of State be of that Degree, and then next to him and above the rest.

He hath his Office as Secretary not by Patent, but by delivery of the Privy Signet to him; and so if there be more than one, (as now there are two) each considered as Principal, hath also a Privy Signet delivered to him.

His Parliament Writ in this *Pawn* was thus,

*Carolus, &c. Dilecto & fideli Edwardo Nicolas Militi uno primariorum Secretariorum suorum salutem Quia, &c.* and so *verbatim* according to the last mention'd Exemplar, as an Assistant, and the Title in the *Label* is like the Title of his Writ.

*Obfer-*

1. **T**His Writ agrees with all the former, except in the word *Uni*, and so if there be more; (as I have shewn in the Writ to the Judges) yet commonly in Superscriptions, he that is made Chief is Stiled Principal without the word *one*; and the other One of the Principal Secretaries of State.

2. The word *Capitalis* is us'd in the Writs to the two Chief Justices and Chief Baron; but to the chief Secretary the word *Principali* is us'd, not only signifying the Capital, First, or Chief, but intimating his more immediate Employment on his Prince, for *Principali* is properly from *Principe*.

3. If there be more Secretaries than one, (as there are seldom less than two) they divide their negotiations into the Title of Provinces, both in relation to this Kingdom, or Foreign Kingdoms or States; and so each of them give an account to the King accordingly, and they have an Office appertaining to them, call'd the Signet Office, where they have four Clerks as their Substitutes to perform their Directions, for all Dispatches both Foreign and Domestick, and generally they are of his Majesties Privy-Council.

4. Their

4. Their Employments in Parliament CHAP. XIII.  
are either in the *House of Lords* or *House of Commons*, according as they are Summon'd to one, or Elected to the other, and as the King thinks them in either place most useful for his occasions.

5. I need not go back to find the Antiquity of their Summons, for it may be presum'd to be ancient from the Eminency and nature of their Employments; so it may suffice only to instance here, that in the 36 *Hen. 8. William Packet Mil.* had his Writ, *Secretario suo*, and at the same Parliament, *William Petre Mil.* had his Writ, *Secretario suo*, without other addition; in the first of *Edw. the Sixth, William Petre Mil.* had his Writ only *Secretario suo*; but in the 6. of *Edw. the 6th.* the Title alter'd, viz. *Willielmo Petro Mil. Uni primariorum Secretariorum suorum*; and to *Willielmo Cecil alt' primariorum Secretariorum*, and *Jo. Cheke Mil. alt' primariorum Secretariorum*, (so here were three Secretaries Summon'd to this Parliament) and the same three were Summon'd in the 7th. of *Edw. 6.* and in the first of *Mary*, and 1st. of *Mary*, the same *Petre* was Summon'd, *Un' Primariorum Secretariorum Domini Regis*, and *Jo. Bourne Militi alt' Primariorum Secretariorum Domini Regis*; and so the 1st. and 2d. and 2d. and



CHAP. and 3d. of Philip and Mary, the same  
XIII. Petre and Brown had Writs by the words,

*Uni & alteri primariorum Secretariorum Domini Regis*; the 4th. and 5th. Phil. and Mary, Writs were to Jo. Broxal, *Uni primariorum Secretariorum Regis & Reginae*; the like to the said Jo. Bourne, *Militi alt' primariorum*, &c. the 25th. Eliz. Francisco Walsingham, *Militi Principali Secretariorum suorum*, and no other Secretary; the 30th. Eliz. *Consiliario suo Roberto Cicil*

Principali.

Primario. *Militi Primario Secretario*, and no other; the 35th. Eliz. to the same Francisco Walsingham, *Militi principali*, &c. and no other; the 39th. Eliz. *Consiliario Roberto Cicil Primario*, and no other; 43. Eliz. none Summon'd; the 1 Jacobi, *Johanni Herbert Militi uni Primariorum*; and no other; 21 Jacobi, *Georgio Calvert, Militi uni Primariorum, & Edwardo Conway, Militi uni Primariorum*; the 1 Car. primi, *Olivero Vicecomiti Grandison uni Primariorum Secretariorum, & Johanni Cooke, Militi un' Primariorum, &c.* 15 Caroli primi, *Francisco Windibanck uni Primariorum, & Henr. Vane, Militi uni Primariorum*; and so in this 13 Car. 2di. the Writ was *Edwardo Nicolas, Militi, uni Primariorum Secretariorum suorum*; and no other Secretary was Summon'd during this Parliament, the rest being Elected, and accordingly

ingly did sit in the *House of Commons*, CHAP. XIII.  
except the Lord *Arlington*, who sat as  
Earl and Secretary in the *Lords House*;  
and though the word *Primario* is more  
generally used in Writs, yet in Supercrip-  
tions, &c. the word *Principal* is altogether  
used, as more agreeable (I conceive) to  
the Idiom of our Language.

6. The dignity of this Office is shewn  
in their Summons and Place in the *Lords  
House* according to the Act of *Precedency*;  
but I must say something more of the  
antiquity of the Office, and of the nature  
of such are imployed in it.

If he be taken for a Scribe, because  
they write the Kings literal Dispatches;  
it had the same esteem among the *Hebrews*  
that the *Magi* had with the *Chaldeans*,  
and the *Quindecemviri* among the *Romans*,  
(which latter were the Expounders of the  
Secrets of *Sybil's* Oracles) These Scribes  
were usually selected out of the Cler-  
gy, and not out of the Laity, so that such  
as were used out of the Laicks were call'd  
*Notarij*, and not Scribes; and such as  
were us'd by the Clergy were call'd Clerks  
from *Cleros*, because the Clergy by reason of  
their learning did for the most part Guide  
both Secular and Spiritual Affairs; but the  
word Secretary (in which Office the  
Clergy in former times were more com-  
monly

CHAP. monly employed than Laymen) doth im-  
 XIII. port something of another nature, being  
 derived from *Secretum*, and that from *Cretum* the Supine of *Cerno*, to see or discern;  
 so by adding *Se* to *Cretum*, it makes *Secretum*, and renders the Person employed in  
 that Office to be one who knows *Se* (*id est*) himself, and can also Judiciously discern  
 and judge of other mens matters, and yet reserve the Determination or Execution of  
 them in his own breast; and for this tenacity of mind, he is properly call'd a Secretary,  
 and the Kings Secretary, or Secretary of State, as a preserver of the  
 Secrets of the King and Kingdom for publick and private use, till just occasion require  
 their impartments to others; and indeed considering the perpetual Designs  
 of Princes towards each other, and the Discontents and Seditious Humors which  
 are in every Kingdom; there is no quality more requisite to a Minister of State,  
 than a secret and reserved mind, and more particularly to this Officer, his very Title  
 intimating his Duty, in which he ought to be master of three Properties; a Prudent  
 Dispatch, Exquisite Intelligence, and Secrecy in all; for by these (especially the  
 last) all Minings and underminings are still disappointed by the rules of Politick  
 Secrecy; by which Art, Kingdoms are kept

Lord Verulam.

kept in quiet, by quenching fires before CHAP.  
they flame; and because this requires not XIII.

only a great skill but as great a vigilancy, which few are capable to perform; *Boccalini* tells us in his pleasant *Chapter of reforming the World*, that to ease it of this indifatigable trouble, without using so many Meanders; *Apollo* resolved to make a Window in every mans breast, so as at first view, each man might see the thoughts and intentions of each other, and thereby prevent the prejudices which daily arise for want thereof; but before *Apollo* did execute his Resolves, he caus'd the Wise Men of *Greece* with some others of the *Literati* to be Summon'd, and to give their Opinions therein, where *Thales* was the first that press't for it with such Arguments, that *Apollo* was almost confirm'd; but at last he was dissuaded by many other Lawyers, Poets, Physicians and Theologicks by more convincing Arguments, shewing that nothing caus'd a greater reverence to those and other Professions, than the mysteries which were contain'd in them, which would make them contemptible, if they should be seen or known by every vulgar Eye, whereupon the Windows were not made.

7. Now the same reasons which were us'd against making these Windows in the Bodies



CHAP Bodies of Men, may serve to oppose the  
 XII. Windows too often made in the Bodies of  
 such Councils or Parliaments as are to support a Kingdom, where every Member or Counsellor indeed should be a Secretary of State; because the publishing of Consultations commonly meets with Seditious Tempers, who think nothing is well done but what is done by themselves, looking meerly on the Fact and Success, not on the Deliberations, Grounds and debated Reasons of that Fact; for it is not the event which makes the reason of managing that Fact to be the less Reason; for let the event be good or bad, the reason is still the same; if the Reason be good and solid, yet the Event bad, it may be said, that it meets with an ill constellation; but if the Reason be bad and the Event as ill, the discovery of these do still raise a worse constellation; and if the Reason be bad and the Event good, (if the bad Reason be kept secret) the glory of the Event would quickly drown the censure of the bad Reason, and make the Counsellors stand fair; but if divulged, they are sure not only to lose the credit of the Event, but double the disrepute, if both be bad.

Herein some men are naturally of a more reserved temper than others; however those are only fit to be Counsellors  
 and

and Secretaries of State, who have no CHAP. Windows in their Breast; that is, no such .XIII. transparent Eyes, as men may easily see their disposures of Affairs, but can wisely keep the Secrets of State from other mens Inspections: and in Parliaments I conceive such Tempers are very useful, for if the People Trust them, they do well in performing their Trust; but appealing again to the People, shews a diffidence in their own Judgments.

Thus having shewn the Kings Warrant in the Front, and the Secretaries Writ in the Rear, and fix't the Noble Lords betwixt those who manage the Laws Divine, and those who are Assistants in Human Laws, and run through the most constant Writs which are us'd for Summoning such as are to sit in a Parliament, either as Essential, or Assisting Members thereof; I should now proceed to the *House of Commons*, but I shall crave leave; First, To speak of some accidentall Writs for Assistants; Secondly, Of the manner of return of all the aforesaid Writs; Thirdly, Of such as sit there without Writ or Patent; Fourthly, Of such as sit there only by Patent; and Fifthly, Of some other Officers who are imployed there by vertue of Patents.

*Of Consimular Writs and Patents upon  
Emergent occasions.*

1. **I** Find in Mr. *Prins Breviary*, That he cites many Records long before *Henry the Eighth*; (which I shall not examine, because some of them have been so long disus'd) Of Knights, Justices of *North Wales*, Treasurer of *Carnarvan*, Treasurer of the Kings House, Chancellor of the Exchequer, Deans, Archdeacons, Escheators, (and one *Magister Thomas Tong*, which he takes to be a Master of Chancery) that have been Summon'd by Writ to sit in Parliaments in the *Lords House*; ) but since *Henry the Eighth* in the Pettibag, several Writs of Assistants were issued, as I have shewn in the 11th. Chap. Sect. 9. to shew the Kings Power, some of which were Professors of the Law, and some not.

2. There was another Writ, *viz.* to the Warden of the *Cinqueports*; (which was not constant, but occasional) for sometimes it was directed to an Earl, and sometimes to some one Person under the Degree of a Baron; yet by vertue of the Writ, he was impowr'd

impowr'd to sit in the *Lords House*; but since *Henry* the Fourth's time, when that Office was supplied by the Prince of *Wales*, (after called *Henry* the Fifth) who had a Writ with the addition of *Guardian Quinque Portuum*) that Trust hath been committed to some one of the Blood Royal, and from that Writ other Writs are derived to all the *Cinqueports*.

CHAP.  
XIV.

But in respect this Writ (as to a Parliament) is mostly concern'd about Election of 16. Members to serve in the *House of Commons*; I shall refer the Discourse of it to the second part, in that Chapter which particularly treats of the *Cinqueports*.

3. If at any time the Lord Chancellor or Lord Keeper be absent upon just occasion, as when the Lord Keeper *Bridgman* in this Parliament was Sick; a Patent was made for Sir *John Vaughan*, then Lord Chief Justice of the *Common Pleas*, to supply his place, and the like to Sir *Francis North*, Chief Justice of the *Common Pleas* also, &c. and though for the most part this happens in time of Parliament; yet, because it may happen between the time of Summons and the Sitting of a Parliament, (which is the chief design of this part of this Treatise) I have thought fit to enter



CHAP. the form of that Patent in this place, rather than defer it, viz.

**C**HARLES, &c. *To Our Right Trusty and Welbeloved, Sir Francis North Knt. Chief Justice of Our Court of Common Pleas, Greeting; Whereas Our Right Trusty and Welboved Councillor, Heneage Lord Finch, Our Lord High Chancellor of England, is often so infirm, that he is not able constantly to attend in the upper House of this Our present Parliament now holden at Westminster, nor there to supply the room and place in the said upper House, amongst the Lords Spiritual and Temporal there Assembled, as to the Office of the Lord Chancellor of England hath been accustomed: We minding the same place and room to be supplied in all things as appertaineth for and during every time of his absence, have named and appointed you: And by these Presents do Name, Constitute, and Appoint and Authorize you, from day to day, and from time to time, when and so often as the said Lord Chancellor shall happen at any time or times during this present Parliament to be absent from his accustomed place in the said upper House, to Occupy, Use and Supply the said room and place of the said Lord Chancellor, in the said upper House, amongst the Lords Spiritual and*

and Temporal there Assembled, at every CHAP.  
such day and time of his absence, and then XIV.  
and there at every such time to do and execute all such things as the said Lord Chancellor of England should or might do, if if he were there personally present, Using and Supplying the same room; Wherefore, We Will and Command you the said Sir Francis North to attend to the doing and execution of the premisses with Effect: and these Our Letters Patents shall be your sufficient Warrant and Discharge for the same in every respect. In Witness whereof, We have caused these Our Letters to be made Patents, Witness our Self at Westminster the Nineteenth day of March, in the Nine and twentieth Tear of our Reign.

*Per ipsum Regem propria manu Signat.*

And having now dispatch't all the Writs and Patents which concern the Summoning of such as sit in the *Lords House*, it is proper to shew the manner of returning of those Writs, which is usual in all Courts, and ought to be strictly observed here.

*Of Returns of Writs relating to the  
Summoning of such as are to Sit  
in the Lords House.*

**I**N all Judicial Courts from whence Writs do issue, there is care taken for their due Returns, as may be seen in *Fitz Herbert*, and such Authors who have treated of the nature of Writs and their Returns; but none of them giving a full account of Parliament Writs and Returns, gives me occasion to insert this Chapter.

As to the Return of the Writs to the Lords Spiritual, and Temporal and Assistants, they ought (by every individual Person who had a Writ) to be deliver'd to the Clerk of the Parliament before the House Sit, or immediately upon their Entrance into the House, at the Table, and by the said Clerk they are to be kept with the Records of that House.

By the omission of this method many inconveniencies have and may happen to their Successors or Posterity, and therefore it is wisht there were more care taken in their due Returns, to which they may be encourag'd, being of so little trouble

trouble in the performance. But as to CHAP. XVI.  
the return of Writs concerning the *House of Commons*, the method consists of much trouble and perplexity, not only from the time of the executing the Writs, but in undue returns, as will be shewn in their proper place.

This Chapter concluding all the Patents and Writs of Summons, and Returns which concern the *Lords House*, (by vertue of which the Persons so Summon'd by Writ do sit there) now I must speak of such as sit there without Patent or Writ of Summons; and first of the Masters of *Chancery*.

---

C H A P. XVI.

*Of the Masters of Chancery.*

**T**HE Secretaries of State did bring up the Rear of the State Officers, and now the Masters of *Chancery* do bring up the Rear of the Assistants; and though I have spoke something of the Master of the Rolls, partly as chief of the twelve Masters of *Chancery*; yet, there he was considered as Master of the Rolls, (or Records) rather than one of the twelve Masters of *Chancery*, whereof (as I said)



CHAP. he is the chief; and these twelve are  
XVI. called Masters in Ordinary.

2. For there are also other Masters in *Chancery*, called Extraordinary, which are of an uncertain number, according to the businesses of the respective Counties wherein they are employed.

3. As for the twelve, they usually are chosen out of Barresters of the Common Law, or Doctors of the Civil Law, and eleven of them do sit in the *Chancery*, or in the Rolls (as Assistants, saith Sir *Edward Coke*) to the Lord Chancellor and to the Master of the Rolls, every day throughout each Term of the year, and to them are committed Interlocutory Reports, and stating of Accounts, and sometimes (by way of reference to them) they are impowr'd with a final Determination of Causes there depending.

4. These twelve have time out of mind, sat in the *Lords House*; yet have neither Writs nor Patents (for many Ages past) empowering them so to do; but I conceive, as the Master of the Rolls is (as is said by that Institutor) an Assistant to the Lord Chancellor, the remaining eleven may fairly be said to be Assistants both to the Lord Chancellor and Master of the Rolls, in all or most Matters, depending in both

or

or either Courts, and so *Virtute Officij*, CHAP. XVI. they are inclusively capacitated, (by the Writs to the Lord Chancellor, or Master of the Rolls) to be Assistants to them in the *Lords House*, as they are in *Chancery*, without any particular VVrit or Patent to them.

5. Anciently this Title was higher than what Sir *Edw. Coke* affords them; for I find in an old Manuscript in the hands of Sir *J. C.* one of the Masters, (but I have not the opportunity of searching the Records therein mentioned) Intituled, *De Cancellario Angliæ & ejus Cojudicibus, & de autoritate eorum*, and then follows, viz. *In dicta Curia Cancellarij sunt ordinati duodecem Cojudices, viz. Magistri sive Clerici de prima forma ad Robas*, (which in the 13. Chap. I call the first Orb) *pro Arduis negotis Regis & Regni, & Reipublicæ expediendis*, (which agree *verbatim* (and 'tis observable) with the very words of all Writs of Summons to Parliaments) *eidem Cancellario omnino assistentes & secum continuo consedentes*, (which in a manner Intitles them to sit in the *Lords House* with him) and many other matters are mentioned therein, which I shall refer to my *Annotations*, because I cannot now warrantably insert them; but I find in other Books, that anciently they had the care of inspecting

CHAP. XVI. specting all Writs of Summons to Parliaments committed to them, which is now (as I have shewn) performed by the Clerks of the Pettibag.

6. As to the Title of *Maister*, (from *Magister*, and from *Magus* a Wiseman) it is as ancient as most of our borrow'd words from the *Latin*, and was still apply'd to Persons of Knowledge and other Abilities above the Degrees of Yeomandry.

Amongst the old *Romans* (as may be read in *Livy*, *Pomponius*, *Aurelius*, and others) they had twelve great Officers, to whom that Title was given, viz. *Magister Populi*, or Dictator, *Magister Equitum*, *Magistri Censu*, *Magister in Auctionibus*, *Magistri Epistolarum*, *Magistri Memoriae*, *Magistri Militum*, *Magister Navis*, *Magistri Officiorum*, *Magistri Scriniorum*, *Magister Curiae*, *Magistri Aëris*, and many more of a lesser Rank; for I speak not of *Magistri Familiae* or *Privatæ*, (or as the word is vulgarly applied to its relative word *Servant*) but as a Title applied to Persons of Eminency, for their Integrity and Learning; and of these there are also twelve sorts with us, (which are found in the Law Books) whereof the first we meet with in the Statutes, is the Master of the *Mint*, in 2 *H. 6. c. 14.* (2.) the Master of the Rolls in the first of *H. 7. Cap. 20.* (for till

till then he was call'd Clerk of the Rolls, CHAP. XVI.  
or *Custos Archivorum*, and chief Clerk of the *Chancery*, (of which there are twelve, as I said, since which, six chief Clerks, and a greater number of a lesser Form, are there Constituted, whereby they are distinguished from the ancient Clerks, (now the 12. Masters of *Chancery*) which may be accounted (the Third) sort in point of time mentioned in the Statutes; (the Fourth,) The Master of the Horse in the first of *Edw. the Sixth*; (the Fifth) The Master of the Postern in 2 *Edw. 6.* (the Sixth) The Master of the Kings Household in the 32 *H. 8.* (chang'd to the Lord Stuard of the Kings Household, (*Charles Duke of Brandon* being the first of that Title mentioned in any Statute) (the 7th.) The Master of the Court of Wards in the 33 of *Hen. the 8.* (now of no use) (the Eighth) The Master of the Musters, after in the 33 *Eliz.* called Muster Master General; (the 9. 10. 11. 12.) viz. The Master of the Armory, the Master of the Kings Jewels, the Master of the Ordinance, (and Master of the Kings Wardrop) are mentioned in the Statute of 39 *Eliz.* not but these Officers were before, but the Statutes (as I said) do not take notice of them till the times that they are quoted in the said Statutes.

Now



CHAP.

XVI.

7. Now as the old *Romans* had others which had the Titles of *Magistri*, viz. *Magistri Universitatis vel Societatis*; so we in imitation, at *Cambridge* have the Title of *Magister* fixt at the head of every Colledge in that University, (which is an argument of their Antiquity, of which I shall speak more) whereas *Oxford* hath but three which bear that Title.

8. It is also applied to the Heads of Halls of Companies in *London*, and other Cities; and it hath been formerly applied to all the Members of the *House of Commons*, who were not actually Knights, or Esquires, or of higher Degrees; but in the *House of Lords*, I do not find it used to any, to whom Writs of Summons were sent to sit there, except to some Priors and Deacons who were sometimes called *Magistri* in their Writs, and others of Religious Orders, call'd also in their Writs *Magistri*, as also to Officers in *Chancery*, viz. 49 *Edw. 3. Magistro Thomæ Tong, Officiario Curie Cancellariæ*; but whether it was the same Office which is now executed by the Masters of the *Chancery*, *Non Constat*; however they were then under the notion of Clerks in an Ecclesiastical sense; but as Writs were sent to Clerks or Ecclesiasticks, with the Title of *Magister*; so in *Henry the Fourths* time, and

not

not before, there were Writs sent to CHAP. Laicks with that Title, and those were XVI. Persons of high Quality, viz. in the 2. 3. and 6. Hen. the 4th. *Magistro Thomæ de la Ware*, (sometimes call'd *Ware* and *Warre*) to attend those Parliaments, and the same *Thomas* was also Summon'd to the Parliaments of the 1. 2. 3. 4. 5. 7. 8. and and 9. of Hen. the 5th. *Magistro Tho. de la Ware*, and so to the 1. 2. and 3. of Hen. the Sixth; but in the second Parliament of that year, Mr. *De la Ware* was not Summon'd, but one VVrit was *Magistro Johanni Stafford Thes. Angliæ*, and another VVrit, *Magistro Willielmo Alremith Custod. privati Sigilli*. But in the 4th. and 6. of Hen. the Sixth, both those were left out, and the same *Magistro Tho. de la Ware* Summon'd again, and for brevity passing to the 36. of Hen. the Eighth; and then it was expressly *Roberto Bows Mil. Magistro sive Custod. Rotulorum Cancellariæ*, being then also chief of the twelve Masters of Chancery; However Sir *Edw. Coke* saith they are Assistants to the Lord Chancellor, or as the Manuscript saith, *Co-judices*, and thereupon *ex Officio* do sit in the Lords House, and the antiquity of the Places allotted them there, (as will be shewn) and their Employments in every Parliament makes their attendance a kind of Præscription.

And

CHAP. And now I proceed to such as fit in the  
 XVII. *Lords House* by Patent only, without  
 Tenure, VVrit or Præscription.

---

# CHAP. XVII.

## *Of the Clerks of the Lords House.*

**H**ere I am to speak of such as have places allowed them in the *House of Lords* by vertue of Patents only, and first of the Clerks; This Title of Clerk from *Cleros*, when the Clergy had (by reason of their great learning) the guidance of Civil Offices, was given as an honour to them; and most of the great Offices, as the Privy Seal, Master of the Rolls, &c. had the Titles of Clerks; but now that Title remains to a lower sort, of which there are 26. in number who still retain that Title.

The first, (as to the Progresse of Parliament) is the Clerk of the Pettibag, which is under the Conduct and within the Patent of the Master of the Rolls; (who is the chief of all the Clerks in the *Lords House*, of which Office I have spoke in that Section of the Rolls, and in other places.)

2. The Clerk of the Crown in the *Chancery*, (call'd *Clericus Coronæ in Cancellaria*, in his Patent) of whom I have also spoke cursorily  
 in

in several places) is an Officer to whose care CHAP. XVII.  
many great things are committed, (which may be read in *Compton* and others) but as to what concerns this Subject, I must again remind, that all Parliament VVrits which are sent from the Pettibag, are return'd and kept by the Officer, so that the Pettibag gives (as it were) the beginning, this the continuance and ending to a Parliament.

So as this Clerk of the Crown hath three Capacities. Before the Sitting of a Parliament, to receive returns of VVrits which were issued from the Pettibag.

And in Parliament to take care according to directions for the issuing of Writs in case of change or mortality; And in the *Lords House* he first reads the Titles of all Bills to be presented to his Majesty, of which and other parts of his Duty I shall speak more.

3. The third Clerk is term'd in his Patent, *Clericus Parliamentorum*, because he is Clerk in all Parliaments during his life; his employment here being only conversant about the Affairs of Parliament.

Now in respect that all Bills and Matters of State have here their result in the *Lords House*, he is the proper Keeper of such Records, (for the *Lords House* is a Court of Record) and to that end his Books are fairly writ, exactly compos'd, according  
to



CHAP. to the very words and sence of that House,  
 XVII. and constantly perus'd by some Lords appointed for that purpose, as well for his own justification as others satisfaction.

He hath also an Assisting Clerk allowed him, who is of great use and ease to him, both of them being well grounded in learning, experience and ability, in the safe expediting the concerns of that House, which hath both an Ocean of VVisdom, and curious Rivolets of Honorary punctilios, (not to be omitted by them, somewhat different from all other Courts) he hath also a Reading Clerk allowed him, who likewise attends the Lords Comittees; and these are all the Clerks which constantly attend in the *Lords House*, and are within the Bar.

4. Of the Clerks of the *House of Commons* I shall speak in the second part.

5. As I have shewn the Employments of the Clerks of the *Crown Office* in *Chancery*, so (to prevent misapplications) it is fit to shew the Employments also of the Clerk of the *Crown Office* in the *Kings Bench*, who is no constant attendant in this *House* or in the *House of Commons*, but only upon contingencies, and then by Order; but more especially in the *Lords House*, for producing, reading, and managing Records concerning VVrits of Error, *Habeas Corpus*, &c.  
 of

(of which I shall speak in order) but his CHAP. most eminent Imployment is upon the XVIII. Tryal of Peers, as will be shewn.

Of the 26. Clerks before mention'd, (who still retain that Title) these five which I have named are the chief which are imployed in Parliamentary Matters; but of the other 21. (which may be seen in *Lambert, Fitz Herbert, &c.*) neither the six Clerks in *Chancery*, (being Officers of Eminency imployed in that Court bearing that Title, nor are the other Clerks (which are imployed also in that Court) in the least (as I know of) ingag'd in the Fabrick of Parliaments. Note that those five Clerks (whom I first mention'd) have places allotted them within the Bar of either House, as I said.

And now I must speak of other Attendants of another nature, *viz.* the Gentleman Usher of the Black Rod, and the Serjeant at Arms.

C H A P. XVIII.

*Of the Gentleman Usher of the Black Rod.*

**T**Here are but three ways by which the *House of Lords* do send any Message to the *Commons*, of two of them I have spoken, *viz.* by some of the Judges, or by some of the Masters of *Chancery*,

C c

and

CHAP. and the King also uses two ways, viz. by  
 XVIII. his Secretaries, or some of the Privy-  
 Council, (when they are Members of the  
*House of Commons*) both upon ordinary  
 and extraordinary occasions, or for attend-  
 ing his Person upon Addresses, &c. But  
 when he hath occasion to Command the  
*House of Commons* to attend him in the  
*House of Lords*, he only sends this Officer,  
 the manner of which Ceremony I shall  
 shew in order.

He is call'd the Black Rod, from the  
 Black Staff or Rod (about three foot long  
 tipt with Silver, and guilt with the Kings  
 Arms at one end, and a Lyon Couchant at  
 the other end, and a guilt Knob in the  
 middle) which he carries in his hand; he  
 is always a Person of Quality, and born  
 the Kings Subject; and if not a Knight,  
 is made one upon admission to this Office,  
 and hath his Office by Patent; the first  
 Grant of it beginning in *Hen.* the 8. time.

1. Before the Sitting of Parliament, he  
 observes the Lord Chamberlains directions,  
 in taking care that the *House* be fitted with  
 all things for the Reception of the King,  
 and those who are to sit there.

2. His Employment also is to introduce  
 Lords into that *House*.

3. And after that *House* is Sat, he hath  
 Employments concerning the Commitment  
 of Delinquents, &c.

4. He

4. He hath a Seat allowed him, but without the Bar ; and to ease him more in these and many other Employments, he hath an Usher to assist him, call'd the Yeoman Usher, also Door Keepers, &c. as will be shewn. CHAP. XIX.

And so I am come to the last Attendant Officer of Note in that *House*, viz. the Kings Serjeant at Arms.

CHAP. XIX.

*Of the Kings Serjeant at Arms, Attendant in the House of Lords.*

I Have spoken of the *Servientes ad legem* or Serjeants at Law ; Now I come to the *Servientes ad arma*, Serjeants at Arms ; these were such as amongst the *Romans* were call'd *Satellites Cæsaris*, or a Guard to the Emperor, and sometimes they were call'd *Macerones*, (from whence probably the word Mace might be us'd) which these Serjeant at Arms use to carry before the King, &c.

Of these Serjeants at Arms (for I meddle not with the lower degree in Corporations, sometimes call'd Serjeants of the Mace, or only Serjeants) there are twenty in number, which are call'd the Kings Serjeants at Arms, and these are Created with great Ceremony ; for the Person who is to be Created kneeling before the King, the King himself



CHAP. himself lays the Mace on the Serjeants  
 XIX. Right Shoulder, and says these words, *Rise up Serjeant at Arms, and Esquire for ever* : He hath his Patent for the Office besides ; ( of which and of the particulars of his Employments, *Segar* in his Book of Nobility gives a full account ) but of these twenty the King appropriates sixteen to his Personal Service, whereof four wait on him every Quarter ; the other four are thus distributed, *viz.* in time of Parliament one is to attend the Speaker of the *House of Lords*, in case he is not Lord Chancellor, another to attend the Speaker of the *House of Commons* ; one other to attend the Lord Chancellor, and another the Lord Treasurer, as well in as out of Parliament.

But in respect the Lord Chancellor and Speaker of the *Lords House* is usually the same Person, there were but three of the twenty us'd in this time of Parliament, and but two out of Parliament, so as the other one or two are reserv'd for accidental occasions.

The Serjeant at Arms who attends the *House of Lords* hath the priviledge of carrying the Mace before the Speaker ( whether he be the Lord Chancellor or not ) within the *Lords House* up to the very Chair of State, and after he hath made his Obeysances, he lays it down on the first  
 Woolfack

Woolfack by the Speaker, and so departs CHAP.  
till the Speaker hath occasion to use him XIX.  
again upon the Rising of the *House*.

And herein methinks the Serjeant at Arms of the *House of Commons* hath more respect afforded him than the Serjeant at Arms to the *House of Lords*; for the *Commons* Serjeant hath the freedom to stand at the Bar, and hear all Debates, and when weary of standing, hath an easie seat by the door; but the Lords Serjeant is not permitted to be in the *Lords House* whilst it is Sitting, nor hath any Station within the Bar, nor Seat without the Bar, as the Gentleman Usher hath: and yet this Office is more ancient than that, and is not only Serjeant at Arms to the Speaker, and Chancellor (the Parliament not sitting) but is the chief of the twenty of the Kings Serjeants at Arms; he hath his Duputy, so as if there should be occasion of two, *viz.* for a Speaker and Chancellor, he may supply one, and his Deputy the other; and besides his Deputy he hath also other Agents under him, and hath use for them; For upon Commitments of Delinquents without door, he is to see them forth coming, and in bringing them to the Bar; but upon confinements or Commitment of any Member within doors, that peculiarly belongs to the Gentleman of the Black Rod.

So

CHAP. So as these 2 Officers set the first wheel  
 XIX. of a Parliament in motion; for the Serjeant  
 at Arms conducts the Chancellor or  
 Speaker into the *House of Lords*, the King  
 sends the Black Rod to the *Commons* to  
 bring up their Speaker, who being con-  
 firm'd by the King, goes to his Chair in  
 the *Commons*, usher'd with the other Ser-  
 jeants at Arms, and so when each Speaker  
 retires from each House, each Serjeant is  
 to each a Conductor.

---

*A Corollary to this First Part.*

I Have now shewn the General Warrants for  
 Summoning a Parliament, and the particular  
 Writs and Patents impowring those who are to  
 sit in the *Lords House*; as also the Act of Prece-  
 dency to prevent Disorders of Places when they  
 meet there, and given a touch of Proxies, and  
 of the words Lords and Peers, and of other Acci-  
 dental Writs, and of the Returns of their Writs,  
 and of some who sit there without Writs or Pa-  
 tents, and of others who are employed there  
 meerly by vertue of Patents. And of all these I  
 have made some Discourses, as well to revive the  
 notions of those who need no other information, as  
 to inform others who have little knowledge there-  
 in, but what they gain from the short Memo-  
 rials of Writers, or from the imperfect Discourses  
 which they glean from such as know some things  
 in part, but have not the true Concatenation of  
 the Grandeur of a Parliament.

The

These discourses (and those intended) will (I hope) contain the whole System of this *Constitution*. This part hath applied it self wholly to the Offices, Degrees and Qualities pertinent to the *House of Lords* in general; but as to the particular Persons owning those Offices, Degrees, and Qualities; I reserve them for the Subsequent Parts of this Treatise; that is after I have discours'd of the seven remaining Exemplar Writs in the *Pawn*, which particularly concerns the *House of Commons*.

*Viz.*

To Cornwall.	To Dover,
To Cambridge,	To Lancaster,
To London,	To Chester,
To Carnarvan in Wales.	

And also shewn the Writs or Precepts derivative of those seven Exemplars, and the manner of Elections and Returns of Writs and Precepts, the Discourse of which will comprehend all the County Shires, Cities and Burroughs; (which have power of Electing Members for Parliaments) I shall then shew you the Places adapted for both Houses to meet in; as also of the Members Summon'd and imployed in both Houses in this Parliament.

D d

After



After these I shall speak of such Ceremonies as are us'd before any Members be admitted into either Houses; and when they are fixt in both Houses, I shall give an account of the most material passages, as to the renewing of Writs for supply of Members, and other distinct Operations considered as an *House of Lords*, or an *House of Commons*; and in their joynt Operations as *Lords* and *Commons* Assembled in Parliament, and then of their compleat Operations as an intire Parliament, consisting of the King and the three Estates, viz. the LordsS piritual the Lords Temporal, and the Commons; and this is more particularly evident, when by passing of Acts, the King confirms what those three Estates do joyntly Operate. And so I conclude with the Kings power of Summoning, Adjourning, Proroguing and Dissolving of this and all other Parliaments, and what is to be done with Records, Laws, &c. after Dissolution of any Parliament.

And because I could not well reduce the copious matters of so large a Subject into my Discourses, or observations, I shall hereafter add some *Annotations*, as *Explanitories* and *Enlargements* to many things which are necessary or convenient to be enlarged or explained.

An

---

---

AN  
APPENDIX

Being A Diary of the several Sessions of the publick Adjournments, Prorogations, and Proclamations relating to the Parliament which was Summon'd the 18<sup>th</sup>. of Feb. 166<sup>o</sup>. and Disloved the 24<sup>th</sup>. of Jan. 166<sup>o</sup>.

**T**HE Kings Warrant, and Writs of Summons for that Parliament were dated the 18<sup>th</sup>. of Feb. 13 Car. 2<sup>d</sup>. 1660.

Proclamation contain'd in those Writs; to meet att Westminster the 8<sup>th</sup>. of May, following.

1660.

Session the 8<sup>th</sup>. of May 13 Car. 2<sup>d</sup>. 1661 at Westminster, continued to the 30<sup>th</sup>. of July following.

I

Acts Publick 19. Private 21.

1661.

Adjourn'd the 30<sup>th</sup>. of July 13 Car. 2<sup>d</sup>. 1661 to the 20<sup>th</sup>. of November following.

Session the 20<sup>th</sup>. of Novemb. 13 Car. 2<sup>d</sup>.

II.

D d 2

1661

## An Appendix.

1661 continued to the 19th. of May 14  
Car. 2d. 1662.

1662. Acts Publick 33, Private 39.

Prorogu'd the 19th. of May 14 Car. 2d.  
1662 to the 18th. of Feb. 15 Car. 2d. 166 $\frac{2}{3}$ .

The King present.

III. Session the 18th. of February. 15 Car. 2d.  
166 $\frac{2}{3}$ . continued to the 27th. July 15 Car.  
2d. 1663.

1663. Acts Publick 17, Private 19,  
Prorogu'd the 27th. of July 15 Car. 2d. 1663  
to the 16th. of March 16 Car 2d. 166 $\frac{3}{4}$ .

The King Present.

IV. Session the 16th. March 16 Car. 2d.  
166 $\frac{3}{4}$ . continued to the 17th. of May 16  
Car. 2d. 1664.

1664. Acts Publick 8, Private 10,  
Prorogu'd the 17th. of May 16 Car. 2d.  
1664 to the 20th. of August following.

The King Present.

Prorogu'd the 20th. of Aug. 16 Car. 2d.  
1664 to the 24th. of Novemb. following.

By Commission.

V. Session the 24th. of Novemb. 16 Car. 2d.  
1664 continued to the 2d. of March 17  
Car. 2d. 166 $\frac{4}{5}$ .

1665. Acts Publick 12, Private 17,  
Prorogu'd the 2d. of March 17 Car. 2d.  
166 $\frac{4}{5}$ . to the 21st. of June 17 Car. 2d. 1665.

The King Present.

Proclamation dated the 24th. of May 17  
Car.

## An Appendix.

*Car. 2d. for the further Proroguing the Parliament from the 21st. of June to a day that shall be fixt at the actual Prorogation thereof Accordingly.*

*Prorogu'd the 21st. of June 17 Car. 2d. 1665 to the 1st. of August following.*

*By Commission.*

*Proclamation dated the 9th. of July 17 Car. 2d. 1665 for further Proroguing the Parliament from the 1st. of Aug. to the 3d. of Octob. following Accordingly.*

*Prorogu'd the 1st. of Aug. 17 Car. 2d. 1665 to the 3d. of October following.*

*By Commission.*

*Proclamation dated the 10th. of August 17 Car. 2d. 1665 appointing the meeting of the Parliament at Oxford in respect the Plague was then at London, Accordingly.*

*Prorogu'd the 3d. of Octob. 17 Car. 2d. 1665. at Oxford, to the 9th. of the same month and place.*

*By Commission.*

*Session at Oxford the 9th. of Octob. 17 Car 2d. 1665 continued to the 21st. of the same month.*

*Acts Publick 9, Private 1,*

*Prorogu'd the 31st. of Octob. 17 Car. 2d. 1665 to meet at Westminster the 20th. of Feb. 18 Car. 2d. 1666.*

*The King Present.*

*Prorogu'd the 20th of Feb. 18 Car. 2d.*

*D d 3 1666.*

VI.



# An Appendix.

1661 at Westminster to the 23d. of April 1666.

1666. Proclamation dated the 23d. of April 18 Car. 2d. 1666 for Proroguing the Parliament to the 18th. Sep. following accordingly, Prorogu'd the 23d. of April 18 Car 2d. 1666 to the 18 of Sep. following.

By Commission.

- VII. Session the 18th. of Septemb. 18 Car. 2d. 1666 continued to the 8th. of Feb. following. Acts Publick 5, Private 5, Prorogu'd the 8th. of Feb. 19 Car 2d. 1667. to the 10th. of October 1667.

The King Present.

1667. Proclamation dated the 26th. of June 19 Car. 2d. 1667 to reassemble the Parliament back from the 10th. of October to the 25th. of July 19 Car. 2d. 1667.

Adjourn'd the 25th. of July 19 Car. 2d. 1667 to the 10th. of October following.

- VIII. Session the 10th. of Oct. 19 Car. 2d. continued to the 9th. of May 20 Car. 2d. 1668.

Acts Publick 15, Private 24,

Adjourn'd the 9th. May 20 Car. 2d. 1668 to the 11th. of August following.

Proclamation dated the 3d. of July 20 Car. 2d. 1668 for the Parliament to meet the 11th. of Aug. and that they shall and may Adjourn to the 10th. of Nov. following accordingly.

Ad-

# An Appendix.

Adjourn'd the 11th. of August 20 Car. 1668. to the 10th. of Nov. following.

Proclamation dated the 19th. of Sept. 20 Car. 2d. 1668. to meet the 10th. of Nov. as many of both Houses as may Adjourn themselves to the 1st. of March 21 Car. 2d. 1668.

Adjourn'd the 10th. of Nov. 20 Car. 2d. 1668. to the 1st. of March 21 Car. 2d. 1668.

Proclamation dated the 18th. Dec. 20 Car. 2d. 1668. reciting, that whereas the two Houses of Parliament had Adjourn'd by the Kings directions from the 10th. of Nov. to the 1st. of March the King Declares that he will Prorogue them on the said 1st. of March to the 9th. of October 21 Car. 2d. 1669 accordingly.

Prorogu'd the 1st. of March 21 Car. 2d. 1668. to the 19th. of October 21 Car. 2d. 1669.

Session the 19th. of Oct. 21 Car. 2d. 1669. continued to the 11th. of December following.

IX.  
1669.

In this Session no bill past the Royal assent.

Prorogu'd the 11th. December 21 Car. 2d. 1669 to the 14th. February 22 Car. 2d. 1669.

By Commission.

Proclamation dated the 23d. of Decem. 21 Car. 2d. 1669 requiring the Members

D d 4

of

## An Appendix.

*of both Houses to attend at the time prefixt at the last prorogation, viz. the 14th. Feb. 22 Car. 2d. 1667<sup>o</sup>. accordingly.*

X. Session the 14th. Feb. 22 Car. 2d. 1667<sup>o</sup>. continued to the 11th. of April 22 Car. 2d. 1670.

1670. Acts Publick 8, Private 16,  
Adjourn'd the 11th. of April 22 Car. 2d.  
to the 24th. of October following.

Proclamation dated the 21st. of April 22 Car. 2d. 1670 requiring the Members of both Houses to attend the prefixt time, viz. the 24th. of October 22 Car. 2d. 1670.

XI. Session the 24th. Oct. 22 Car. 2d. 1670 continued to the 22d. April 23 Car. 2d. 1671.

1671. Acts Publick 26, Private 30,  
Prorogu'd the 22d. April 23 Car. 2d.  
1671 to the 16th. of April 24 Car. 2d. 1671.

The King Present.

Proclamation dated the 27th. Sept. 23 Car. 2d. 1671 declaring the Kings resolution to Prorogue the Parliament from the said 16 of April to the 30th. of October following Accordingly.

1672. Prorogu'd the 16th. of April 24 Car. 2d.  
1672 to the 30th. of October following.

By Commission.

Prorogu'd the 30th. of Dec. 24 Car. 2d.  
1672 to the 4th. of Feb. 25 Car. 2d. 1673.

By Commission.

Session

# An Appendix.

Session the 4th. Feb. 25 Car. 2d. 167 $\frac{2}{3}$ . XII.  
*continued to the 29th. March 1673.*

Acts Publick 10, Private 11, 1673.

Adjourn'd the 29th. of March 25 Car.  
2d. 1673 to the 20th. of October following.

Prorogu'd the 20th. of Oct. 25 Car. 2d.  
1673 to the 27th. of the same Month.

By Commission.

Session the 27th. of Oct. 25 Car. 2d. XIII.  
1673 to the 4th. of November following.

No Bills past this Session.

Prorogu'd the 4th. of Nov. 25 Car. 2d.  
1673 to the 7th. of January 167 $\frac{3}{4}$ .

The King Present.

Proclamation dated the 10th. of Decem.  
25 Car. 2d. to require the Members of both  
Houses to attend the 7th. of Jan. following.

Session the 7th. of Jan. 25 Car. 2d. 167 $\frac{3}{4}$ . XIV.  
*continu'd to the 4th. Feb. 26 Car. 2d. 167 $\frac{3}{4}$ .*

No Bills past this Session.

Prorogu'd the 24th. of Feb. 26 Car. 2d.  
167 $\frac{3}{4}$ . to the 10th. of Novem. 26 Car. 2d.  
1674.

The King Present.

Proclamation dated the 1st. of July 26  
Car. 2d. 1674 declaring the Kings pleasure  
to prorogue the Parliament to the 13th. of  
April 1675.

Proclamation dated the 3d. Septem. 26  
Car. 2d. 1674 for Proroguing the Parlia-  
ment from the 10th. of Nov. to the 13th. of  
April 1675 27 Car. 2d. Pro.



# An Appendix.

1674. Prorogu'd the 10th. of Nov. 26 Car. 2d.  
1674 to the 13th. of April 1675 27 Car.  
2d.

By Commission.

xv. Session the 13th. of April 27 Car. 2d.  
1675 continu'd to the 27th. of June fol-  
lowing.

1675. Acts Private 5,  
Prorogu'd the 4th. of June 27 Car. 2d.  
1675 to the 13th. of October following.

The King Present.

xvi. Session the 13th. of October 27 Car. 2d.  
1675 continu'd to the 22d. of November  
following. No Bills past.

Prorogu'd the 22d. of Nov. 27 Car. 2d.  
to the 15th. of Feb. 28 Car. 2d. 1676.

1676. Proclamation dated the 20th. of Dec.  
28 Car. 2d. 1676 requiring both Houses  
to give their attendance on the 15th. Feb.  
next.

xvii. Session the 15th. Feb. 28 Car. 2d. 1676  
continu'd to the 16th. of April 29 Car. 2d.  
1677.

1677. Acts Publick 10, Private 14,  
Adjourn'd the 16th. of April 29 Car.  
2d. 1677 to the 21st. of May following.

The King Present.

Acts Publick 10, Private 14,  
Proclamation dated the 2d. of May 29.  
Car. 2d. 1677 requiring both Houses to  
give their attendance the 21st. of May.

Session

# An Appendix.

Session the 21<sup>st</sup>. May 29 Car. 2d. 1677 XVIII.  
*continued to the 28th. of the same Month.*

Adourn'd the 28th. of May 29 Car. 2d.  
1677 to the 16th. of July following.

Adjourn'd the 16th. of July 29 Car. 2d.  
1667 to the 3d. of December following.

Proclamation dated the 26th. of Octo-  
29 Car. 2d. 1677 for *Adjourning the two  
Houses of Parliament from the 3d. of Dec-  
to the 4th. of April 30 Car. 2d. 1678.*

Proclamation dated the 7th. of Decem.  
29 Car. 2d. for *Adjourning both Houses  
back from the 4th. of April 30 Car. 2d.  
1678 to the 15th. Janu. 29 Car. 2d. 1678.  
requiring the Members of both Houses to at-  
tend that day.*

Adjourn'd the 15th. of Jan. 29 Car. 2d.  
1678. to the 28th. of the same Month.

Session the 28th. of January 29 Car. 2d. XIX.  
1678. continu'd to the 27th. of March 30  
Car. 2d. 1678.

Acts Publick 2, Private 13,

Adjourn'd the 27th. of March 30 Car.  
2d. 1678 to the 11th. of April 30 Car. 2d.  
1678. 1678.

Adjourn'd the 11th. of April 30 Car.  
2d. 1678 to the 15th. of the same Month.

Adjourn'd the 15th. of April 30 Car. 2d.  
1678 to the 29th. of the same Month. XX.

Session the 29th. of April 30 Car. 2d.  
1678 continu'd to the 3d. of May following.

*Pro-*

# An Appendix.

Prorogu'd the 13th. of May 30 Car. 2d.  
1678 to the 23d. of the same Month.

By Commission.

XXI. Session the 23d. of May 30 Car. 2d. 1678  
continu'd to the 15th. July following.

Acts Publick 9, Private 12,

Prorogu'd the 15th. of July 30 Car. 2d.  
1678 to the 1st. of August following.

By Commission.

Prorogu'd the 1st. of August 30 Car. 2d.  
1678 to the 29th. of the same Month.

By Commission.

Proclamation dated the 2d. of August 30  
Car. 2d. 1678 requiring the Members of  
both Houses to give attendance on the  
29th. of August.

Proclamation dated the 8th. of August  
1678 declaring that the Parliament shall  
be prorogu'd the said 29th. of Aug. to the  
1st. of Oct. 30 Car. 2d. 1678.

Prorogu'd the 29th. of August 30 Car.  
2d. 1678 to the 1st. of Oct. following.

By Commission.

Proclamation dated the 25th. Sept. 30  
Car. 2d. 1678 for the further Proroguing the  
Parliament to the 21st. of Oct. in the same  
Month.

By Commission.

XXII. Scsion the 21st. of Oct. 30 Car. 2d. 1678  
continued to the 30th. of Dec. following.

Acts Publick 1, Private 0,

Pro.

## An Appendix.

Prorogu'd the 30th. of Dec. 30 Car. 2d.  
1678 to the 4th of Feb. 31 Car. 2d. 1678.

Proclamation dated the 24th. of Jan. 30  
Car. 2d. 1678. wherein the King discharges  
the Members of both Houses from meeting  
the 4th. of Feb. 31 Car. 2d. 1678 and de-  
clare the Parliament Dissolv'd.

Dissolution the 24th. Jan. 30 Car. 2d.  
1678. but in the Proclamation His Majesty  
further Publisheth his pleasure that Writs  
should be issued for another Parliament to  
meet the 6th. of March following, viz. 31  
Car. 2d. 1678.

*I did design to deferr the Printing of this  
Diary till I publish some discourses of the  
nature of Sessions, Proclamations, Ad-  
journalments, Recesses, Prorogations, and  
Dissolutions, but because it will take long  
time before I shall publish them, some  
friends did perswad me to add this Appendix  
as very useful to all such as may have any re-  
course in point of times to matters transacted  
in this Parliament (of which I chiefly treat)  
Summon'd the 18th. of Feb. 1667. 13 Car.  
2d. and ended the 14th. January Car. 2d.  
1678. and though the dates of Session &c.  
are repeated in several Paragraphs, yet it  
is so ordered for the ease and advantage of  
him that desires to satisfie himself in the  
Chro-*



# An Appendix.

*Chronological questions of that Parliament, without looking on the Antecedent or Subsequent Paragraphs.*

---

FINIS.

---

